



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



July 30, 2009

Jon Sanabria
Acting Director of Planning

TO: Leslie G. Bellamy, Chair
Wayne Rew, Vice Chair
Esther L. Valadez, Commissioner
Harold V. Helsley, Commissioner
Pat Modugno, Commissioner

FROM: Samuel Dea
Section Head
Special Projects Section

SUBJECT: Woodfin Suites Hotel/Neptune Marina Apartments Project Nos. R2006-03643, R2006-03644, R2006-03647, R2006-03652, and TR067861

A public hearing was heard by your commission on the above-mentioned projects (Project) on October 29, 2008. At the this hearing, your commission heard the staff presentation and testimony from the project applicants and interested members of the public. Unfortunately, due to time constraints, public testimony was not heard on Project Nos. R2006-03643 and R2006-03644.

Your commission continued the hearing to November 5, 2008 and directed staff to determine possible hearing dates when the commission may hold a hearing in the community of Marina del Rey. Your Commission also instructed staff to arrange a field trip to all of the proposed project sites which would allow the Commission to have to better understand the Project. At the November 5, 2008 continued hearing, your commission chose November 22, 2008 told hold the community hearing and field trip.

Prior to the field trip and public hearing, the applicants and County Counsel determined that the Draft Environmental Impact Report (DEIR) needed to be recirculated to address previously unrecognized impacts. Specifically, potential impacts related to the proposed City of Los Angeles Dual Force Main alignment through Marina del Rey and the Los Angeles County Department of Public Works' Marina del Rey sewer upgrades associated with the proposed projects needed to be addressed in the DEIR. The items were taken off calendar and a Recirculated Draft Environmental Impact Report (RDEIR) was prepared that addressed these issues and provided some additional visual simulations and updated shade and shadow studies to assist in the analysis of the Project.

The RDEIR was recirculated for public input on June 11, 2009. A copy of this document was also provided to your commission on June 11, 2009. Revisions were made to the Project Description, Noise, Air Quality, Visual Quality, Traffic/Access, Sewer Service, and Solid Waste Service sections. The public review period for the RDEIR closed on July 27, 2009, and a new public hearing has been scheduled in the community of Marina del Rey on August 12, 2009 at 6:00 p.m. The field trip to the project sites has been scheduled for August 8, 2009 at 9:00 a.m.

At the October 29, 2008 public hearing, your commission directed staff to prepare a summary of the various concerns that were expressed by the public at the hearing and instructed the applicants to respond to the concerns raised by the opponents.

October 29, 2008 Public Hearing Summary

The following are comments and concerns that were raised by the public regarding the Project's DEIR and general development projects in Marina del Rey:

- The County is piecemealing development and needs to create a master plan for the Marina.
- The Marina is too densely developed and needs more open space and parks.
- The California Coastal Commission (CCC) has performed a periodic review of the Marina del Rey Local Coastal Program (LCP), and a comprehensive update of the plan should be done prior to the Regional Planning Commission approving any Marina projects.
- The CCC has requested that all future amendments to the LCP be batched together; therefore, individual projects with plan amendments should not be approved by the Planning Commission.
- The number of small boat slips in Marina del Rey will be reduced as a result of the current redevelopment projects.
- The projects do not provide adequate parking.
- The traffic studies in the DEIR are inadequate and antiquated.
- The DEIR fails to adequately assess cumulative impacts on traffic, dust, noise, and local services.
- The shadow and wind studies in the DEIR are inadequate.
- The Noise section of the DEIR is inadequate and does not recognize that many Marina residents are at home on weekdays.
- The Marina should be dedicated to public recreation because this was its intended purpose.

Agenda Item 6 - Project No. R2006-03647-(4) - Parcel 10R

Coastal Development Permit to authorize demolition of all existing landside improvements and construction of a 400 unit apartment complex.

Conditional Use Permit for site grading, export of earth in excess of 100,000 cubic yards, and parking for boater related uses

Variance for excess signage and a reduction of the required setback from the waterside promenade.

Amendments to the Marina del Rey Local Coastal Program to authorize the transfer of development units from an abutting Development Zone (Tahiti Development Zone) into the subject Development Zone (Marquesas Development Zone) and the averaging of the R-III and R-V residential densities on Parcel 10R; and a **Coastal Approval in Concept** for the proposed marina demolition activities and subsequent marina construction activities on the waterside portion of Parcel 10R.

The following are comments and concerns that were raised by the public regarding the proposed project on Parcel 10R:

- The proposed project will result in a reduction of boat slips.
- An amendment to the LCP is premature. The County needs to conduct a comprehensive review of the LCP prior to granting approval of any development permits in Marina del Rey.
- The proposed units will not be affordable to the current residents of Marina del Rey.

Agenda Item 7 - Project No. R2006-03652-(4) - Parcel FF

Coastal Development Permit to authorize demolition of all existing landside improvements and the construction of a new 126 unit apartment complex.

Conditional Use Permit for site grading and the export of earth from the site.

Variance for excess signage and a reduction of the required setback from the waterside promenade.

Amendments to the Marina del Rey Local Coastal Program: transfer development units from abutting and nearby Development Zones (Tahiti and Bora Bora Developments Zones) into the

subject Marquesas Development Zone; to change Parcel FF's land use designation from "Open Space" to the "Residential III" and "Residential V" designations with a Water Overlay Zone; to provide Open Space replacement on the lower portion of Parcel 9U; to change Parcel FF's height category from Category 1 to Category 3; to allow the development of Parcel FF to commence prior to the replacement of the existing public parking spaces that will be displaced; and to average the densities of the proposed R-III and R-V residential categories on Parcel FF.

The following are comments and concerns that were raised by the public regarding Parcel FF:

- The proposed project is inconsistent with the policies of the LCP.
- The DEIR mischaracterized the current status of the Parcel FF parking lot. The lot appeared underutilized because it was used as a construction staging area and because the parking rate is too high.
- The Variance for the promenade setback should not be granted.
- The CCC is opposed to the conversion of public parking lots and open space lots to private uses.
- Parcel FF is not underutilized during major holidays and events such as Independence Day and the Christmas Boat Parade.
- The signage variance is unnecessary because the Marina is a small place and large signs will seem out of place.
- The public needs more parking in Marina del Rey.
- New residential projects should not be approved because local schools are at maximum capacity.

Agenda Item 8 - Project No. TR067861 – Parcel 9U North

Coastal Development Permit to authorize construction of a hotel with 288 rooms and with associated grading of approximately 44,000 cubic yards, with approximately 1,800 cubic yards of cut soil being balanced on-site and approximately 42,200 cubic yards of the cut soil being exported to a designated landfill.

Conditional Use Permit for the construction of a new parking structure for the hotel, the installation of signs, the sale of alcoholic beverages for on-site consumption at the proposed hotel facility, and for the construction and maintenance of an emergency rooftop heliport.

Variance for the reduction of the required setback from the pedestrian promenade.

Parking Permit to authorize reduced on-site parking via a shared-parking arrangement and to authorize a valet parking program that will utilize tandem parking spaces.

Vesting Tentative Tract Map to authorize a condominium subdivision for 136 timeshare units.

The following are comments and concerns that were raised by the public regarding the proposed project on Parcel 9U:

- Parcel 9U should be turned into a public park.
- The existing wetland on Parcel 9U should be considered an Environmentally Sensitive Habitat Area (ESHA).
- The proposed timeshare units should require an amendment to the LCP.
- The LCP should prohibit fractional ownership, such as timeshare units, because it inhibits public access to the Marina del Rey.
- The proposed hotel is out of character with the surrounding residential neighborhood.
- More expensive hotel rooms are not needed in the Marina. Developing this parcel with a hotel will diminish opportunities for development of low cost recreation facilities.
- A better visualization of the proposed view corridor is needed to assess the potential visual impacts of the project.
- The height of the proposed hotel will cause wind issues for boaters.
- The hotel will cause shading of nearby residential areas.
- The proposed heliport will create noise intrusion in the Marina.

One member signed up to speak on this project that was unable to due to time constraints.

Agenda Items 9a and 9b - Project Nos. R2006-03643 and R2006-03644 – Parcel 9U south and the adjacent basin

Coastal Development Permit to authorize construction and maintenance of a public wetland and upland park

Coastal Approval in Concept to authorize construction of public anchorage with approximately 2,923 square feet of dock area and approximately 542 linear feet of public-serving boat docking space.

Due to time constraints, the Regional Planning Commission was unable to take testimony on these projects. Staff has included a list of the speakers who registered to speak on these projects. (Attachment No. 5)

The following attached documents include additional correspondence received by staff since the October 29, 2009 public hearing.

1. Previously submitted RPC Packages (Staff reports, Draft Findings, and Conditions, and letters received from other departments and the public)
2. Letters received from other departments regarding the Recirculated Draft Environmental Impact Report (RDEIR).
3. Letters received from the public regarding the RDEIR.
4. Correspondence from the applicant's consultant regarding the utilization of Parking Lot FF.
5. List of speakers at the October 29, 2008 hearing who registered to speak on Project Nos. R2006-03643 and R2006-03644, but due to time constraints were unable to testify.
6. Documents submitted by the public at the October 29, 2008 hearing.

Agenda Item 6- Project No. R2006-03647 – Neptune Marina Apartments on Parcel 10R

STAFF EVALUATION

Please see the attached staff report for a detailed evaluation.

STAFF RECOMMENDATION

Approval

The following recommendation is made prior to the public hearing and is subject to change based upon testimony and/or documentary evidence presented at the public hearing.

Staff recommends APPROVAL of Coastal Development Permit No. 200600008-(4), Conditional Use Permit No. 200600289-(4) and Variance No. 200600013-(4) (for removal of the proposed pedestrian promenade setback requirement) subject to the attached conditions. Staff also recommends that the Regional Planning Commission prepare a resolution recommending approval of Plan Amendment No. 200600013-(4) to the Board of Supervisors. With respect to the variance request for signage in excess of what is permitted by the code, the applicant must provide more detailed evidence why a greater proportion of signage is necessary.

SUGGESTED MOTIONS

I move that the public hearing be continued to a date certain and that Regional Planning Commission instruct staff to prepare the Final Environmental Impact Report and prepare a resolution recommending the approval of Plan Amendment No. 200600013-(4) to the Board of Supervisors and prepare findings and conditions of approval for Coastal Development Permit No. 200600008-(4), Conditional Use Permit No. 200600289-(4) and Variance No. 200600013.

Agenda Item 7 - Project No. R2006-03652 – Neptune Marina Apartments on Parcel FF

STAFF EVALUATION

Please see the attached staff report for a detailed evaluation.

STAFF RECOMMENDATION

Approval

The following recommendation is made prior to the public hearing and is subject to change based upon testimony and/or documentary evidence presented at the public hearing.

Staff recommends APPROVAL of Coastal Development Permit No. 200600009-(4), Conditional Use Permit No. 200600290-(4) and Variance No. 200600014-(4) (for removal of the proposed pedestrian promenade setback requirement), subject to the attached conditions. Staff also recommends that the Regional Planning Commission prepare a resolution recommending approval of Plan Amendment No. 200600014-(4) to the Board of Supervisors. With respect to the variance request for signage in excess of what is permitted by the code, the applicant must provide more detailed evidence why a greater proportion of signage is necessary.

SUGGESTED MOTIONS

I move that the public hearing be continued to a date certain and that Regional Planning Commission instruct staff to prepare the Final Environmental Impact Report and prepare a resolution recommending the approval of Plan Amendment No. 200600014-(4) to the Board of Supervisors and prepare findings and conditions of approval for Coastal Development Permit No. 200600009-(4), Conditional Use Permit No. 200600290-(4) and Variance No. 200600014.

Agenda Item 8 - Project No. TR067861 – Woodfin Suites Hotel and Timeshare Resort

STAFF EVALUATION

Please see the attached staff report for a detailed evaluation.

STAFF RECOMMENDATION

Approval

The following recommendation is made prior to the public hearing and is subject to change based upon testimony and/or documentary evidence presented at the public hearing.

Staff recommends APPROVAL of Coastal Development Permit No. 200600007-(4), Conditional Use Permit No. 200600288-(4), Parking Permit No. 200600020, Variance No. 200600012-(4), and Vesting Tentative Tract Map No. 067861.

SUGGESTED MOTIONS

I move that the public hearing be continued to a date certain and that Regional Planning Commission instruct staff to prepare the Final Environmental Impact Report and prepare findings and conditions of approval for Coastal Development Permit No. 200600007-(4), Conditional Use Permit No. 200600288-(4), Parking Permit No. 200600020, Variance No. 200600012 and Vesting Tentative Tract Map No. 067861.

Agenda Items 9a and 9b - Project Nos. R2006-03643 and R2006-03644

STAFF EVALUATION

Please see the attached staff report for a detailed evaluation.

STAFF RECOMMENDATION

Approval

The following recommendation is made prior to the public hearing and is subject to change based upon testimony and/or documentary evidence presented at the public hearing.

Staff recommends APPROVAL of Coastal Development Permit No. 200600006-(4), and Coastal Approval in Concept 200602191.

SUGGESTED MOTIONS

I move that the public hearing be continued to a date certain and that Regional Planning Commission instruct staff to prepare the Final Environmental Impact Report and prepare findings and conditions of approval for Coastal Development Permit No. 200600006-(4) and Coastal Approval in Concept 200602191.

If you need further information, please call Mr. Michael Tripp of my staff at (213) 974-4813 or mtripp@planning.lacounty.gov. Department office hours are Monday through Thursday from 7:00 a.m. to 6:00 p.m. The Department is closed on Fridays.

Agenda Item No. 6 - Project No. R2006-03652-(4)

Regional Planning Commission package submitted October 29, 2008.

RPC MEETING DATE
10/29/08

AGENDA ITEM NO.
8

REGIONAL PLANNING COMMISSION TRANSMITTAL CHECKLIST

PROJECT NO: R2006-03652

CASE NO. Plan Amendment Case No. 200600014-(4)
Coast Development Permit No. 200600009-(4)
Conditional Use Permit Case No. 200600290-(4)
Variance Case No. 200600014-(4)

CONTACT PERSON: Michael Tripp

- ☒ STAFF REPORT
- ☒ DRAFT CONDITIONS (If Recommended For Approval)
- ☒ BURDEN OF PROOF STATEMENT (CUP Request)
- ☒ ENVIROMENTAL DOCUMENTATION (DEIR submitted on 09/11/08)
- ☒ THOMAS BROTHERS MAP (Identifying Subject Property)
- ☒ LAND USE RADIUS MAP
- ☒ SITE PLAN
- ☐ PHOTOGRAPHS
- ☐ CORRESPONDENCE
- ☒ ATTACHMENTS
- ☒ VICINITY/GIS MAP
- ☐

Reviewed By: 



Los Angeles County Department of Regional Planning
320 West Temple Street, Los Angeles, California 90012
Telephone (213) 974-6443

PROJECT No. R2006-03652-(4)
CDP200600009-(4), CUP200600290,
PA200600014, VAR200600014

RPC/HO MEETING
DATE: 10/29/08

CONTINUE TO

AGENDA ITEM

PUBLIC HEARING DATE
10/29/08

APPLICANT Legacy Partners Neptune Marina L.P.	OWNER Los Angeles County	REPRESENTATIVE Aaron Clark
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REQUEST
Coastal Development Permit to authorize demolition of all existing landside improvements and the construction of a new 126 unit apartment complex.

Conditional Use Permit for site grading, and the export of earth from the site.

Variance for excess signage and a reduction of the required setback from the waterside promenade.

Amendments to the Marina del Rey Local Coastal Program: transfer development units from abutting and nearby Development Zones (Tahiti and Bora Bora Developments Zones) into the subject Marquesas Development Zone; to change Parcel FF's land use designation from "Open Space" to the "Residential III" and "Residential V" designations with a Water Overlay Zone; to provide Open Space replacement on the lower portion of Parcel 9U; to change Parcel FF's height category from Category 1 to Category 3; to allow the development of Parcel FF to commence prior to the replacement of the existing public parking spaces that will be displaced; and to average the densities of the proposed R-III and R-V residential categories on Parcel FF.

LOCATION/ADDRESS

Vacant lot at the Northeast corner of Via Marina and Marquesas Way.
Also known as Marina del Rey Parcel FF.

ACCESS

Via Marquesas way (South) and Via Marina (West)

ZONED DISTRICT

Playa del Rey

COMMUNITY

Marina del Rey

EXISTING ZONING

SP (Specific Plan) Open Space

SIZE

2 acres

EXISTING LAND USE

Parking Lot

SHAPE

Rectangular

TOPOGRAPHY

Flat

SURROUNDING LAND USES & ZONING

North: SP (Specific Plan) Multifamily Residential

East: SP (Specific Plan) Multifamily Residential

South: SP (Specific Plan) Multifamily Residential

West: SP (Specific Plan) Multifamily Residential

GENERAL PLAN	DESIGNATION	MAXIMUM DENSITY	CONSISTENCY
Countywide	N/A	N/A	N/A
Specific Plan	OS (Open Space)	N/A	Yes

ENVIRONMENTAL STATUS

Environmental Impact Report.

DESCRIPTION OF SITE PLAN

The site plan depicts the proposed 126 unit apartment complex located in one building.

KEY ISSUES

- Satisfaction of Section 22.56.040 of Title 22 of the Los Angeles County Code Conditional Use Permit Burden of Proof requirements, 22.56.290, the Variance Burden of Proof, 22.56.2320, the Coastal Development Burden of Proof, and 22.16.070 the Local Coastal Program Plan Amendment Burden of Proof.

TO BE COMPLETED ONLY ON CASES TO BE HEARD BY THE BOARD OF SUPERVISORS

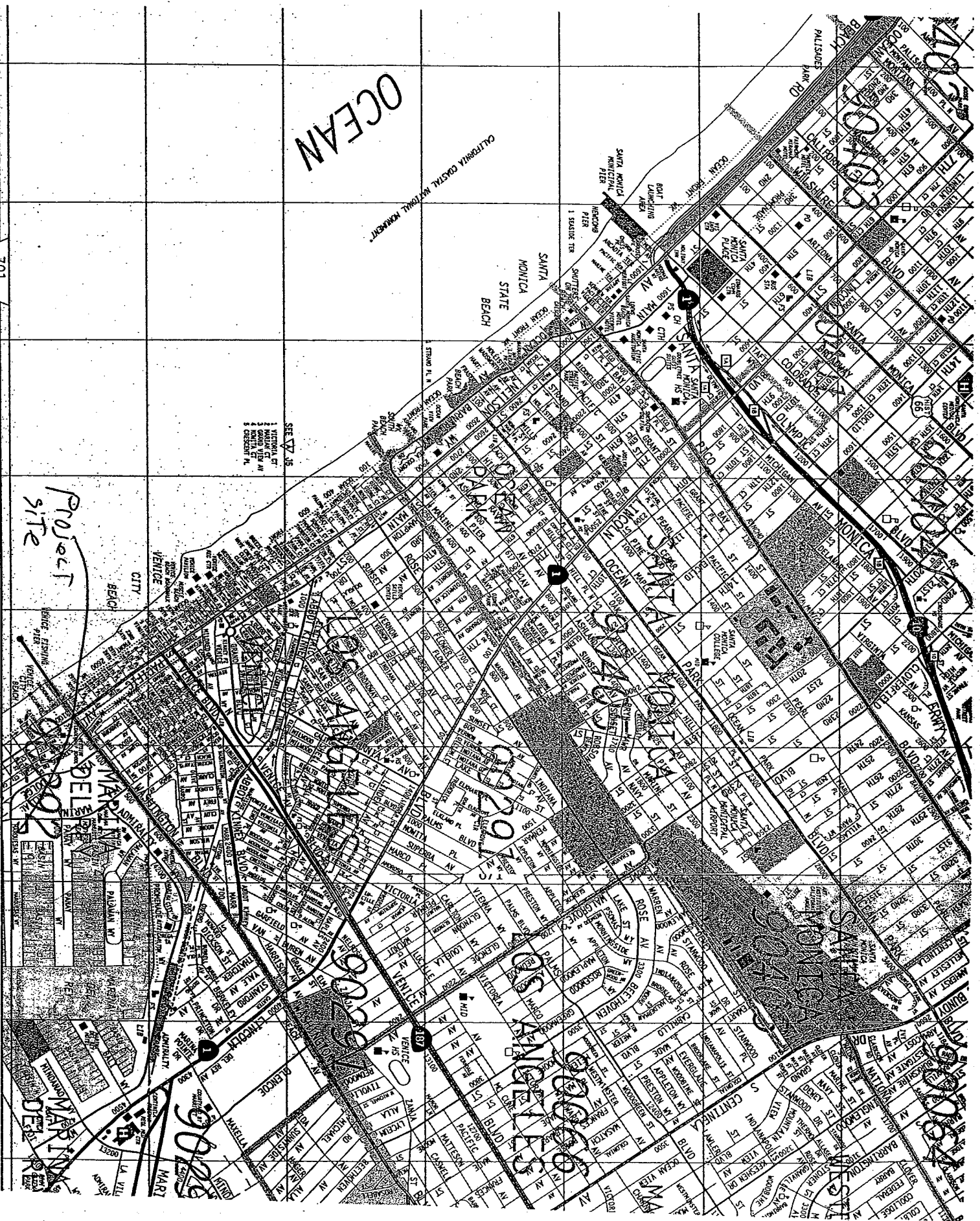
STAFF CONTACT PERSON

RPC HEARING DATE(S)	RPC ACTION DATE	RPC RECOMMENDATION
MEMBERS VOTING AYE	MEMBERS VOTING NO	MEMBERS ABSTAINING

STAFF RECOMMENDATION (PRIOR TO HEARING)

SPEAKERS*	PETITIONS	LETTERS
(O) (F)	(O) (F)	(O) (F)

*(O) = Opponents (F) = In Favor



STAFF ANALYSIS

PROJECT NUMBER

R2006-03652-(4)

CASE NUMBERS

Plan Amendment Case No. 200600014-(4)

Coastal Development Permit Case No. 200600009-(4)

Conditional Use Permit Case No. 200600290-(4)

Variance Case No. 200600014-(4)

OVERVIEW OF PROPOSED PROJECT

The applicant, Legacy Partners Neptune Marina L.P., is requesting a Coastal Development Permit, a Conditional Use Permit, and a Variance to remove all existing landside improvements and develop a 126 unit apartment complex, consisting of one 55 foot tall building, and a 28 foot wide pedestrian promenade on Marina del Rey Parcel FF. The proposed building is comprised of four levels of residential floors over two levels of at grade and partially subterranean parking containing a combined total of 270 parking spaces. The applicant is also seeking a Coastal Development Permit to authorize the applicant's temporary use of Marina Parcel 10R (located across Marquesas Way from Parcel FF at the southeasterly corner of Via Marina and Marquesas Way) as a construction staging site during construction of the proposed development located on Parcel FF.

To allow the proposed development, the applicant has also requested the following amendments to the Marina del Rey Local Coastal Program:

- To authorize the transfer of 14 development units from the abutting Development Zone #2 (Tahiti Development Zone) and 112 development units from the proximate Develop Zone #1 (Bora Bora Development Zone) into the subject Development Zone #3 (Marquesas Development Zone);
- To change Parcel FF's land use designation from Open Space to the Residential III and Residential V;
- To provide Open Space replacement on the lower portion of Parcel 9U;
- To change Parcel FF's height category from Category 1 to Category 3 to allow buildings ranging from 45 feet in height when a 20% view corridor is provided to 75 feet in height when a 40% view corridor is provided. Height Category 1 allows buildings to be a maximum 25 feet tall;
- To allow the development of Parcel FF to commence prior to the replacement of the existing public parking spaces that will be displaced; and to average the maximum densities of Parcel FF's proposed Marina del Rey LCP Residential III and Residential V Land Use Categories evenly over the entire parcel rather than maintain the Residential III's required maximum density of 35 dwelling units per acre and the Residential V's maximum density of 75 dwelling units per acre.

DESCRIPTION OF SUBJECT PROPERTY

Location

The subject property is located at the northeast corner of the intersection of Via Marina and Marquesas Way, in Marina del Rey and in the Playa Vista Zoned District. The property is also known as Marina del Rey Parcel FF.

Physical Features

The subject property is a rectangular shaped parcel with a total landside area two acres. The site is currently developed as a surface parking lot with 206 spaces.

PROJECT NO. R2006-03652-(4)
PLAN AMENDMENT NO. 200600014-(4)
COASTAL DEVELOPMENT PERMIT NO. 200600009-(4)
CONDITIONAL USE PERMIT NO. 200600290-(4)
VARIANCE NO. 200600014-(4)

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STAFF ANALYSIS

Project Services Availabilities

Current access to the subject property is via Marquesas Way, a private street. Proposed vehicular access is also via Marquesas Way. Pedestrian access is proposed via Marquesas Way and Via Marina.

ENTITLEMENTS REQUESTED

- A Coastal Development Permit to authorize the demolition and removal of all landside improvements and the construction of a 126 unit apartment complex, consisting of one 55 foot tall building and a 28 foot wide pedestrian promenade. The proposed building are comprised of four levels of residential floors over two levels of at grade and partially subterranean parking containing a combined total of 270 parking spaces. The applicant is also requesting a Coastal Development Permit to permit the applicant's temporary use of Marina Parcel 10R (located across Marquesas Way from Parcel FF at the southeasterly corner of Via Marina and Marquesas Way) as a construction staging site during construction of the proposed Parcel FF development. The applicant is also seeking a Coastal Development Permit to allow Parcel FF to be used as a staging area during the construction of Parcel 10R.
- A Conditional Use Permit to authorize an onsite grading project, and the offsite export of 29,600 cubic yards of earth. The project will also require 35 cubic yards of fill.
- The following amendments to the Marina del Rey Local Coastal Program: to authorize the transfer of 14 development units from the abutting Development Zone #2 (Tahiti Development Zone) and 112 development units from the proximate Develop Zone #1 (Bora Bora Development Zone) into the subject Development Zone #3 (Marquesas Development Zone); to change Parcel FF's land use designation from "Open Space" to the "Residential III" and "Residential V" designations with a Water Overlay Zone; to provide Open Space replacement at an offsite location; to change Parcel FF's height category from Category 1 to Category 3 to allow buildings ranging from 45 feet in height when a 20% view corridor is provided to 75 feet in height when a 40% view corridor is provided; to allow the development of Parcel FF to commence prior to the replacement of the existing public parking spaces that will be displaced; and to average the maximum residential densities of Parcel FF's Marina del Rey LCP Residential III and Residential V Land Use Categories evenly over the entire parcel rather than maintain the Residential III's required maximum density of 35 dwelling units per acre and the Residential V's maximum density of 75 dwelling units per acre.
- A Variance from development standards to allow a reduction of the required setback from the proposed 28 foot wide pedestrian promenade. Current standards require uses to be setback 10' from the pedestrian promenade. The applicant is requesting a zero setback from the promenade. The applicant is also requesting a variance for the installation and maintenance of project signage that exceeds the maximum sign area and maximum number of signs permitted applicable residential zones.

EXISTING ZONING

Subject Property

Zoning on the subject property consists of two acres of SP (Open Space).

PROJECT NO. R2006-03652-(4)
PLAN AMENDMENT NO. 200600014-(4)
COASTAL DEVELOPMENT PERMIT NO. 200600009-(4)
CONDITIONAL USE PERMIT NO. 200600290-(4)
VARIANCE NO. 200600014-(4)

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Surrounding Properties

Surrounding zoning consists of:

North: Residential IV

South: Residential III and Residential V

East: Residential III

West: Visitor Serving/Convenience Commercial

EXISTING LAND USES

Subject Property

The subject property is currently improved with a surface parking lot for 206 parking spaces.

Surrounding Properties

Surrounding land uses consist of:

North: Apartment complex

South: Apartment complex

East: Apartment complex

West: Apartment complex

PREVIOUS CASES/ZONING HISTORY

Staff found no prior permits for the subject property

MARINA DEL REY LOCAL COASTAL PROGRAM (LAND USE PLAN)

Land Use Designation

Parcel FF is classified as Open Space in the Marina del Rey Land Use Plan. A Local Coastal Plan Amendment to change the subject property's Land Use Category from Open Space to Residential III and Residential IV is required to permit multi-family residential apartment complexes on the subject property.

Parcel FF is currently developed as a parking lot. The Marina del Rey Local Coastal Plan permits parking lots to be converted into public parks provided that the displaced parking spaces are replaced in the Marina at prior to the construction of the new use, at a rate of 0.5:1, either onsite or elsewhere in the Marina.

The applicant would like to replace the existing 2 acre parking lot with a new apartment complex and to donate money to a County fund that would replace the displaced parking spaces at a later date. The applicant is proposing to mitigate the loss of the potential park by providing 50% of the funding for a 1.46

STAFF ANALYSIS

acre upland and wetland park on an adjacent parcel. To further mitigate the loss of the park, the applicant is offering to construct a public docking area in the basin adjacent to Parcel 9U.

The applicant would also like to average the Residential III and Residential V land use categories to allow for an increase of the dwelling unit density on the Residential III portion of the parcel.

The following Local Coastal Plan (LCP) policies are applicable to the proposed project:

Shoreline Access (Marina del Rey Land Use Plan (LUP) Chapter 1)

- **Public Access to Shoreline a Priority.** Maximum public access to and along the shoreline within the LCP area shall be a priority goal of this plan, balanced with the need for public safety, and protection of private property rights and sensitive habitat resources. This goal shall be achieved through the coordination and enhancement of the following components of a public access system: pedestrian access, public transit, water transit, parking, bikeways, circulation network, public views and directional signs and promotional information. (LUP Chapter 1, Policy 1)

The project provides public pedestrian access along all portions of the Parcel FF bulkhead. The proposed landside improvements include a 28 foot wide public pedestrian promenade along the parcel bulkhead. The applicant will also provide signage at the bulkhead entrance and at conspicuous locations along the length of the promenade identifying the access ways as public.

- Existing public access to the shoreline or water front shall be protected and maintained. All developments shall be required to provide public shoreline access consistent with policy 1. (LUP Chapter 1, Policy 2)

The project will enhance public pedestrian access to the waterfront by the addition of the proposed 28 foot wide pedestrian promenade and directional signage. The applicant will also provide benches, rest areas and landscaping along the proposed promenade.

- All development in the existing Marina shall be designed to improve access to and along the shoreline. All development adjacent to the bulkhead in the existing Marina shall provide pedestrian access ways, benches and rest areas along the bulkhead. (LUP Chapter 1, Policy 3)

The proposed project would provide benches, rest areas and directional signs along the proposed 28' wide pedestrian promenade. Currently, none of these amenities exist. The proposed project could however lessen public waterfront access by removing the existing parking lot.

- All development in the existing Marina shall provide for public access from the first public road to the shoreline along all fire roads and across all dedicated open space areas consistent with the Shoreline Access Improvements, shown on Map 4. (LUP Chapter 1, Policy 4)

STAFF ANALYSIS

The project provides public access from public roads fronting the project to the shoreline along all fire roads and across all dedicated project open space areas and a public pedestrian promenade.

- To further insure improved coastal access, a shuttle bus system shall be established to serve Marina del Rey with connecting service to nearby park-and-ride lots, parks, and local beaches in Venice and Playa del Rey. All new visitor serving commercial, hotels, and residential development in Marina del Rey shall, as a condition of development, agree to participate in their proportionate share of the cost of running the shuttle system. (LUP Chapter 1, Policy 11)

The project will be conditioned to require the applicant to pay a proportional share of the funding of the potential shuttle system through collection of Category 3 traffic mitigation fees. The traffic mitigation fees for the Legacy Partners project on FF is estimated to be \$233,290.

- Public awareness of shoreline access ways and public areas shall be promoted by the provision of appropriate signs, outdoor exhibits and brochures. All development in the existing Marina shall be required to incorporate the following informational features to improve the public's awareness of access opportunities and the coastal environment:
 - a. Outdoor maps indicating the location and type of public access ways and parks;
 - b. Identifying and directional signs;
 - c. As appropriate, facilities for brochures and other informational aides; and
 - d. Outdoor exhibits describing historical, biological and recreational aspects of the coastal environment, which should be coordinated and integrated with similar such exhibits which may be established in other areas of Playa Vista project. (LUP Chapter 1, Policy 13)

The project will incorporate directional signage to enhance public awareness of the public promenade. The applicant will also provide an outdoor map showing locations of public waterfront access ways and parks located in Marina del Rey and will have a kiosk within the apartment complex that will provide information on visitor-serving activities in Marina del Rey. The Marina del Rey Design Control Board has approved the proposed signage for this project.

- Public opportunities for viewing the Marina's scenic elements, particularly the small craft harbor water areas, shall be enhanced and preserved.
 - a. All development on the waterfront side of Via Marina, Admiralty Way and Fiji Way shall provide windows to the water, wherever possible, while, at the same time, screening unsightly elements such as parking areas and trash receptacles with landscaping.
 - b. All development -- particularly visitor-serving commercial uses -- proposed adjacent to the main channel shall provide additional opportunities and vantage points to public viewing of boating activity.

STAFF ANALYSIS

- c. All development, redevelopment or intensification on waterfront parcels shall provide an unobstructed view corridor of no less than 20 percent of the parcel's water front providing public views of the Marina boat basins and/or channels. (LUP Chapter 1, Policy 14)

The proposed project will enhance public viewing areas of the small craft harbor by constructing a 28 foot wide pedestrian promenade along the entire Parcel FF bulkhead.

Recreation and Visitor-Serving Facilities (Marina del Rey Land Use Plan Chapter 2)

- As defined by the Coastal Act and specified in the specific design guidelines for each parcel in the Local Implementation Program, new development shall provide additional recreational opportunities including trails, bikeways (additions and/or extensions of existing bike path), open space/park areas and viewing areas as appropriate. Adequate support facilities (bike storage lockers, drinking fountains, etc.) shall be provided. (LUP Chapter 2, Policy 2)

The project provides additional recreational opportunities in the form of viewing areas by the addition of the 28' wide pedestrian promenade with amenities such as benches and rest areas. The applicant also meets this requirement through development of a public boat anchorage abutting the Parcel 9U bulkhead and by contributing 50% of the funding for the proposed wetland and upland park on the southern portion of Parcel 9U.

- Any new proposal for construction of facilities in the existing Marina that is a non-coastal priority or non-marine related use shall require off-setting mitigation. Mitigation shall be accomplished by contribution to a Coastal Improvement Fund. This Fund is primarily intended to finance construction of local park facilities. Uses exempt from this policy requirement include hotels, visitor-serving commercial, office, and marine commercial uses. (LUP Chapter 2, Policy 5)

The applicant will be required to contribute approximately \$75,600 to the Coastal Improvement Fund.

- All development, including redevelopment, expansion projects or new construction, shall be subject to the applicable parking requirements set forth in Los Angeles County Code, Title 22 (Zoning), as certified by the Commission in Appendix B of the Specific Plan. In addition, public recreation areas shall be supported with visible public parking consistent with the standards of Title 22, except that boat launch, boat storage, and marina parking and design shall be provided as specified in the Dept. of Beaches and Harbors' Specification and Minimum Standards of Architectural Treatment and Construction, adopted in 1989. (LUP Chapter 2, Policy 6)

Title 22 requires 243 parking spaces for the proposal to develop 126 apartment units. The applicant is proposing to provide 270 parking spaces.

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Recreational Boating (Marina del Rey Land Use Plan Chapter 3)

- **Recreational Boating a Top Priority.** Recreational boating shall be emphasized as a priority use throughout the planning and operation of the Marina. To help achieve this goal, the Plan shall strive to ensure that adequate support facilities and services are provided including but not limited to, the following: boat slips, fueling stations, boat repair yards, boat dry storage yards, launch ramps, boat charters, day-use rentals, equipment rentals and on-going maintenance of the marina harbor and entrance channel, bulkhead repair, pollution control, safety and rescue operations, and sufficient parking for boaters. Emphasis shall be given to providing water access for the small boat owner through provisions of public ramp facilities. (LUP Chapter 3, Policy 1)

The proposed project adheres to this policy through development of the public anchorage that is proposed next to the Parcel 9U bulkhead. The development of this off-site improvement has been included as part of the draft conditions of approval.

Marine Resources (Marina del Rey Land Use Plan Chapter 4)

- All development shall include measures consistent with the Santa Monica Bay Restoration Plan and the programs of the Department of Public Works to reduce contaminated runoff into bay and Ballona Creek waters, including filtration of low flows, control and filtration of runoff from parking lots and roofs, reduction of impervious surfaces, and provision of pump out facilities, and other necessary measures to reduce harmful pollutants from storm drain waters prior to these waters entering the Marina. (LUP Chapter 4, Policy 2)

The applicant is required to submit, subject to review and approval, a drainage plan for the project to the Department of Public Works prior to construction, and will be required to comply with the California Regional Water Quality Control Board's National Pollution Discharge Elimination Requirements.

Cultural Heritage Resources (Marina del Rey Land Use Plan Chapter 7)

- Proposed projects shall be reviewed for potential cultural resource impacts through the County environmental review process. Appropriate environmental documentation and reasonable mitigation measures shall be required as determined by the Department of Regional Planning and the State Historic Preservation Office. These mitigation measures shall be incorporated into any development approved pursuant to the certified local coastal program. (LUP Chapter 7, Policy 1)

The Draft Environmental Impact Report for this project determined that no known cultural or archaeological resources exist on or near the project site and mitigation measures are included if such resources are encountered during project implementation.

- To insure proper surface site recordation, the State Historic Preservation Office shall be notified, along with Regional Planning, if any resource is discovered during any phase of development construction.

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A professional archaeologist shall be retained to monitor any earth-moving operations in the study area. A halt-work condition shall be in place in the event of cultural resource discovery during construction. (LUP Chapter 7, Policy 3)

The project will be conditioned to require that all work be stopped and the Department of Regional Planning and State Historic Preservation Office be noticed in the event that any item of cultural or archaeological significance is found.

Land Use Plan (Marina del Rey Land Use Plan Chapter 8)

- **Preservation of the Small Craft Harbor facility a Priority.** The primary purpose of the Land Use Plan shall be to maintain Marina del Rey as a Small Craft harbor for recreational purposes. A secondary purpose shall be to promote and provide visitor-serving facilities. (LUP Chapter 8, Policy 1)

The proposed project adheres to this policy through development of the public anchorage that is proposed next to the Parcel 9U bulkhead.

- Maintenance of the physical and economic viability of the marina a priority. Lessees shall be encouraged to replace structures and facilities which are physically or economically obsolete. (LUP Chapter 8, Policy 2)

The redevelopment of an underutilized parking lot with a modern apartment complex will increase the economic viability of the Marina.

- **Design Control Board.** The Design Control Board, appointed by the Board of Supervisors, shall review all new development proposals, including renovations, for consistency with the Manual for Specifications and Minimum Standards of Architectural Treatment and Construction and the certified LCP, including the identity and accessibility of the Marina as a public boating and recreational facility, and shall recommend such modifications to the design as they deem appropriate.

Such review shall be completed prior to any application for development being submitted to the Department of Regional Planning for case processing. (LUP Chapter 8, Policy 6)

The project has received conceptual design approval Marina del Rey Design Control Board. Design Control Board recommendation is attached. (Attachment A)

- Affordable and senior citizen housing projects shall be encouraged as part of Phase II development consistent with the policies and development standards of the LCP. (LUP Chapter 8, Policy 10)

The project will be conditioned to comply with the County's affordable housing policies. As part of the draft conditions of approval, the applicant is required to reserve units for qualified applicants in compliance with State and the County's Mello Act policies.

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Coastal Visual Resources (Marina del Rey Land Use Plan Chapter 9)

- **Views of the Harbor a Priority.** Maintaining and enhancing views of the Marina shall be a priority goal of this Plan. Enhancing the ability of the public to experience and view the Marina waters shall be a prime consideration in the design of all new, modified or expanded development. This goal shall be achieved by placing conditions on permits for new development to enhance public viewing, to allow for greater public access and to create new view corridors of the waterfront. (LUP Chapter 9, Policy 1)

The project complies with this policy by providing 26.7% view corridor and a 28 foot wide pedestrian promenade along the entire length of the bulkhead.

- All development shall incorporate harbor views from streets and pedestrian access ways consistent with security and safety considerations. All development, redevelopment or intensification on waterfront parcels shall provide an unobstructed view corridor of no less than 20 percent of the parcel's water front providing public views of the Marina boat basins and/or channels. (LUP Chapter 9, Policy 6)

The project will have a 26.7% view corridor that will be visible from the streets and will have a 28 foot pedestrian promenade.

- **Wind Factor.** Development shall not significantly increase infringements of wind access for boats in their berths, in the fairways, or in the Main Channel. Wind studies shall be required to determine the significant adverse impact of taller buildings on wind currents and sailing by small boats within the Marina. All structures proposed at heights greater than 45 feet shall determine the cumulative impact of taller buildings on wind currents within the Marina. Development shall only be approved if all identified significant adverse impacts, including cumulative impacts of a pattern of higher buildings, are fully mitigated. (LUP Chapter 9, Policy 9)

A wind study was conducted in conjunction with the Draft Environmental Impact Report. The study concluded that the proposed structure would not have a significant wind impact.

Hazard Areas (Marina del Rey Land Use Plan Chapter 10)

- As a prerequisite to all development approval of a flood control, runoff and storm drain plan by the Department of Public Works consistent with the Santa Monica Bay Recovery Plan shall be required. (LUP Chapter 10, Policy 1)

The applicant will be required to have flood control, runoff and storm drain plans approved by the Department of Public Works prior to construction.

- Future development shall be based on through site specific geologic and soils studies, including specific geotechnical studies related to mitigation of liquefaction and lateral spreading. (LUP Chapter 10, Policy 2)

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The applicant will be required to have a geologic report approved by the Department of Public Works prior to construction.

Circulation (Marina del Rey Land Use Plan Chapter 11)

- Development shall not be approved that will exceed the capacity of the internal Marina del Rey street system. The total potential for additional units and amount of commercial and residential development allocated under this Local Coastal Program will generate a traffic impact within Marina del Rey that can be mitigated within the Marina by the improvements listed in Policy 2 below shall be allocated proportionately among the development approved within the LCP area such that each approvable development constructs or contributes its fair share of the improvements which are expected to fully mitigate the direct impact the development is expected to have on traffic within Marina del Rey. (LUP Chapter 11, Policy 1)

The Draft Environmental Impact Report concluded that the proposed project will not cause an increase in traffic that will exceed the capacity of the internal Marina del Rey street system. The proposed projects traffic impacts will be mitigated through the payment of the LCP's required Peak Hour Traffic Mitigation Fees.

- **Category 3 Sub-regional Transportation and Circulation Improvements-Cumulative Impacts**
Development shall not be approved that will significantly exceed the capacity of the sub-regional street system. Traffic impacts, generated by development in the LCP study area, upon the circulation system outside the unincorporated area of Marina del Rey, shall be mitigated by the developer prior to receiving final discretionary permits. (LUP Chapter 11, Policy 3)

The applicant will be required to pay traffic mitigation fees to fund Category 3 transportation improvements. This requirement has been included in the draft conditions and also as part of the mitigation measures.

Public Works (Marina del Rey Land Use Plan Chapter 12)

- This Land Use Plan includes a phasing program. Necessary public works facilities shall be provided at the same time as the development creating the need for the public facility occurs. (LUP Chapter 12, Policy 2)

Necessary public works improvements will be required to be completed prior to the issuance of a Certificate of Occupancy for this project. The Department of Public Works has reviewed the proposed development and their recommendations are included in the draft conditions.

- Water conservation technology shall be employed in all development, including landscaping and irrigation, that increases water use of the parcel. Design of new development requiring the installation

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and operation of additional water service shall be reviewed for water conservation. (LUP Chapter 12, Policy 6).

The proposed project will be conditioned to require water-conserving technology as part of the landscape plan approval.

- **Sprinklers.** All new development shall be required to provide fire sprinklers consistent with the specifications of the Fire Dept. Remodeling or expansion projects involving 50 percent or more of the existing floor area of the structure shall be subject to review by the Fire Dept. for sprinkler requirements. (LUP Chapter 12, Policy 10)

The proposed project will have fire sprinklers in conformance with Fire Department and LCP requirements.

SITE PLAN

General Description

The applicant's site plan depicts one structure with a floor area of approximately 164,000 square feet and will house 126 apartment units. The proposed structure is 55 feet in height. The proposed building is comprised of four levels of residential floors over two levels of at grade and partially subterranean parking containing a combined total of 270 parking spaces.

Vehicular access is provided to the proposed development at three designated access points on Marquesas Way. Pedestrian access is also provided along Marquesas Way.

Compliance with Applicable Zoning Codes

Pursuant to Section 22.46.1250 of the County Code, establishments in the Residential III Land Use Category are subject to the following development standards.

- Building height is limited to a maximum of 45 feet;
- Dwelling unit density shall not exceed 35 units per net acre;
- Front and rear yard setbacks shall be a minimum of 10 feet, in addition to the required highway and promenade setback;
- Side yard setbacks shall be a minimum of five feet;
- View corridors, public open space areas and/or access ways required in this Specific Plan may be designed and integrated with the required front, side and rear yard setbacks or located elsewhere on the property if such design will enhance visual and physical access to the shoreline;

The proposed building is shown as 55' in height. This exceeds both the maximum building height of 25' permitted in the current Open Space land use category and the maximum height of 45' permitted in the proposed Residential III Land Use Category. The proposed project will exceed also exceed the 35 units per acre maximum dwelling unit density. As proposed, the project will have a density of 61 units per acre uniformly across the project site. To address these two issues, the applicant is proposing a Local Coastal Plan amendment to allow the

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averaging of the Residential III and Residential V Land Use Categories that are proposed to cover the project site. Averaging the maximum height of the proposed Residential III and Residential V Categories yields a maximum height of 135 feet. The applicants proposed building height of 55' is well under this threshold..

Currently the site plan shows all of the setbacks being met except for required 10' setback from the pedestrian promenade. The applicant is proposing a Variance from development standards to eliminate the promenade setback.

- Residential and mixed use shall not reduce the amount of land area devoted to existing visitor-serving, boating, or marine commercial uses:
 - A. With the exception of facilities located on Parcels 1, 54, 56 and 55, which shall be preserved on site, boating facilities may be relocated in conjunction with development so long as the same or larger boating facility is replaced within the marina, and water and/or anchorage access necessary to allow the use to operate is preserved,

Boating facilities are not proposed to be removed in conjunction with this project.

B. Any project which relocates an existing coastal-dependent boating use, including but not limited to boat launching, boat storage, boater parking and access, shall be phased so that said use is replaced within the Marina before the development which displaces it may commence,

The proposed project is not relocating a coastal-dependent boating use.

C. Visitor-serving uses shown on LUP Map 5, Existing/Proposed Visitor-Serving Facilities, shall be preserved or replaced on-site, as part of redevelopment,

The Visitor-serving uses shown on LUP Map 5 will not be impacted by this development.

D. Other existing recreation, visitor-serving and marine commercial facilities not shown on LUP Map 6 may be relocated in conjunction with development as long as the use is replaced within the marina before the development which displaces it may commence. (Ord. 95-0042 § 1 (part), 1995: Ord. 90-0158 § 1 (part), 1990.)

The applicant is proposing a Local Coastal Plan Amendment to permit the development of Parcel FF prior to the replacement of the visitor- serving parking spaces that will be displaced.

Pursuant to Section 22.46.1330 of the County Code, establishments in the Residential V Land Use Category are subject to the following development standards.

- Building height is limited to a maximum of 225 feet;
- Dwelling unit density shall not exceed 75 units per net acre;

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- Front and rear yard setbacks shall be a minimum of 10 feet, in addition to the required highway and promenade setback;
- Side yard setbacks shall be a minimum of five feet;

The portion of the proposed structure on the proposed Residential V portion of Parcel FF is shown as 55' tall. This would not exceed the 225' maximum height limit of the Residential V Land Use Category. The proposed project density of 61 dwelling units per acre would not exceed the 75 units per acre maximum dwelling unit density. However, to facilitate the proposed building size and project density more consistently across the project site, the applicant is proposing a Local Coastal Plan amendment to allow the averaging of the allowable building height and density of Residential III and Residential V Land Use Categories that are proposed for the project site. The proposed Residential III and Residential V land use categories would permit the proposed density of 63 dwelling units per acre provide that the Plan Amendment related to the reclassification of Parcel FF's land use category was approved.

Currently the site plan shows all of the setbacks being met except for required 10' setback from the pedestrian promenade. The applicant is proposing a Variance from development standards to eliminate the promenade setback.

- Residential and mixed use shall not reduce the amount of land area devoted to existing visitor-serving, boating, or marine commercial uses:
 - A. With the exception of facilities located on Parcels 1, 54, 56 and 55, which shall be preserved on site, boating facilities may be relocated in conjunction with development so long as the same or larger boating facility is replaced within the marina, and water and/or anchorage access necessary to allow the use to operate is preserved,

Boating facilities are not proposed to be removed in conjunction with this project.

- B. Any project which relocates an existing coastal-dependent boating use, including but not limited to boat launching, boat storage, boater parking and access, shall be phased so that said use is replaced within the Marina before the development which displaces it may commence,

The proposed project is not relocating a coastal-dependent boating use.

- C. Visitor-serving uses shown on LUP Map 5, Existing/Proposed Visitor-Serving Facilities, shall be preserved or replaced on-site, as part of redevelopment,

The Visitor-serving uses shown on LUP Map 5 will not be impacted by this development.

- D. Other existing recreation, visitor-serving and marine commercial facilities not shown on LUP Map 6 may be relocated in conjunction with development as long as the use is replaced within the marina

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before the development which displaces it may commence. (Ord. 95-0042 § 1 (part), 1995; Ord. 90-0158 § 1 (part), 1990.)

The applicant is proposing a Local Coastal Plan Amendment to permit the development of Parcel FF prior to the replacement of the visitor-serving parking spaces that will be displaced.

BURDEN OF PROOF (CDP)

Pursuant to 22.56.2410 of the Los Angeles County Code, the applicant must meet the burden of proof requirements for a Coastal Development Permit.

1. That the proposed development is in conformity with the certified local coastal program.
2. That any development, located between the nearest public road and the sea or shoreline of any body of water located within the coastal zone, is in conformity with the public access and public recreation policies of Chapter 3 of Division 20 of the Public Resources Code as follows:

"In carrying out the requirements of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse. (California Coastal Act (CCA) Section 3010)"

Based upon a review of these sections and the above-mentioned references to the project's consistency with the land use requirements of the Marina del Rey Local Coastal Program, staff analysis indicates that applicant has satisfied the Burden of Proof provisions.

Coastal Development Burden of Proof Responses

Applicant's responses attached (**Attachment B**). Staff is of the opinion that the applicant has sufficiently addressed Burden of Proof issues in a fashion that substantiates the findings required by Section 22.56.2410 of the Los Angeles County Code.

BURDEN OF PROOF (CUP)

Pursuant to Los Angeles County Code Section 22.56.040 the applicant must meet the burden of proof requirements for conditional use permits.

- A. That the requested use at the location proposed will not:
 1. Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, or
 2. Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, or
 3. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.

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- B. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.
- C. That the proposed site is adequately served:
1. By other public or private service facilities as are required.
 2. By highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and

Conditional Use Permit Burden of Proof Responses

Applicant's responses attached (**Attachment C**). Staff is of the opinion that the applicant has sufficiently addressed Burden of Proof issues in a fashion that substantiates the findings required by Section 22.56.040 of the County Code.

BURDEN OF PROOF (Plan Amendment)

Pursuant to Los Angeles County Code Sections 22.16.070 and 22.16.170 an applicant requesting a plan amendment must meet the following requirements.

- Zone changes and amendments may be initiated to change zones, to alter the boundaries of districts, to impose regulations not previously imposed and to remove or modify any regulation already imposed whenever the board of supervisors finds that the public convenience, the general welfare or good zoning practice justifies such action. All such zone changes and amendments shall be made pursuant to the provisions of this Title 22 and Title 7 of the Government Code.
- In making its recommendation relative to a proposed amendment other than a zone change, the commission may recommend approval where the information presented at public hearing shows that such amendment is consistent with the general plan and is necessary to implement the general plan and/or that the public convenience, the general welfare or good zoning practice justifies such action.

Plan Amendment Burden of Proof Responses

Applicant's responses attached (**Attachment D**). Staff is of the opinion that the applicant has sufficiently addressed Burden of Proof issues in a fashion that substantiates the findings required by Sections 22.16.070 and 22.16.170 of the County Code, when referring to the following amendments:

- To allow the transfer of 126 development units from adjacent development zones into the subject Development Zone #3 (Marquesas Development Zone);
- To change the Land Use Designation of Parcel FF from Open Space to Residential III and Residential V;
- To change Parcel FF's height category from Category 1 to Category 3;
- To average the maximum density permitted by the Residential III and Residential V land use categories evenly over the project site.

Staff is of the opinion that the shortage in West Los Angeles provides sufficient justification for plan amendments to convert an underutilized parking lot into a multifamily residential complex. Furthermore,

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the 1996 Marina del Rey Land Use Plan specifically contemplate the conversion of Parcel FF into a residential use.

Staff has not seen significant justification for the proposed plan amendment to allow the development of Parcel FF to commence prior to the replacement of the existing parking spaces on Parcel FF that will be displaced. Staff would like the applicant to provide more detailed justification why this plan amendment is necessary and in the best interest of the County.

BURDEN OF PROOF (Variance)

Pursuant to Los Angeles County Code Sections 22.56.290, an applicant requesting a Variance must substantiate the following facts.

- A. That there are special circumstances or exceptional characteristics applicable to the property involved, such as size, shape, topography, location or surroundings, which are not generally applicable to other properties in the same vicinity and under identical zoning classification; and
- B. That such variance is necessary for the preservation of a substantial property right of the applicant such as that possessed by owners of other property in the same vicinity and zone; and
- C. That the granting of the variance will not be materially detrimental to the public welfare or be injurious to other property or improvements in the same vicinity and zone.

Variance Burden of Proof Responses

Applicant's responses attached (**Attachment E**). Staff is of the opinion that the applicant has met the burden of proof for the reduction of the 10' setback from the pedestrian promenade. However, staff does not think that the burden of proof for excess signage has been successfully met. As a variance requires a more stringent burden of proof, the applicant must provide further and more detailed evidence why a greater proportion of signage is necessary.

ENVIRONMENTAL DOCUMENTATION

A Draft Environmental Impact Report (DEIR), which was transmitted to the Regional Planning Commission on September 11, 2008, has been prepared for the project. The DEIR covered following five development proposals:

1. A 400-unit apartment complex on Parcel 10R;
2. A 126-unit apartment complex on Parcel FF;
3. A 288-room hotel and timeshare resort on the northern portion of Parcel 9U;
4. A public wetland and upland park on the southern portion of Parcel 9U;
5. A public boat anchorage located adjacent to the Parcel 9U bulkhead.

The DEIR examined the potential impacts of the proposed projects both singularly and cumulatively. When viewed as a group, the DEIR found 17 areas of potential concern. Cumulatively, the DEIR found significant and unavoidable impacts related to traffic, solid waste, population and land use. The DEIR determined that the proposed projects may pose potentially significant environment impacts in the following areas:

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NOISE
TRAFFIC/ACCESS
LAND USE AND PLANNING
HYDROLOGY AND DRAINAGE
VISUAL QUALITY
WATER SERVICE
EDUCATION
FIRE PROTECTION
PARKS AND REC

AIR QUALITY
POPULATION AND HOUSING
GEOTECHNICAL AND SOIL RESOURCES
BIOTA
SEWER SERVICE
SOLID WASTE SERVICE
POLICE PROTECTION
LIBRARY SERVICES

The Draft Environmental Impact Report (DEIR) concludes that with the implementation of the proposed mitigation measures, all potentially significant impacts associated with 15 of the 17 above-described areas of concern can be mitigated to levels of insignificance at the project level. Cumulatively, significant impacts can be reduced to a level of insignificance in 13 of the 17 above-described areas. The DEIR concludes that potential air quality and noise impacts for the proposed 126-unit apartment complex cannot be reduced to levels of insignificance through the implementation of mitigation measures. The following is a summary of some of the key factors identified and discussed in the DEIR.

Noise

During construction, sensitive uses located within 50 feet of the project site may experience noise levels that may reach 94 dB(A). Sensitive uses along the haul route may experience noise impacts ranging from 83 to 88 dB(A). Vibration impacts may also occur due to the use of pile driving equipment which is required for foundation construction.

Even with mitigation measures, construction related noise and vibration impacts are considered significant and unavoidable.

Air Quality

Emissions associated with concurrent demolition, excavation, grading and construction may exceed the South Coast Air Quality Management District's emission thresholds for carbon monoxide, oxides of nitrogen and volatile organic compounds as well as cause localized significant ambient air quality impacts for particulate matter and oxides of nitrogen.

Even with mitigation measures, construction related air quality impacts are considered significant and unavoidable.

Traffic/Access

According to the traffic analysis contained in the DEIR, the proposed Neptune Marina apartment project on Parcel FF is expected to generate approximately 499 net new trips per day. An estimated 44 trips would occur during the peak AM hour and 41 would occur during the peak PM hour.

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The analysis of the DEIR determined that with the implementation of the identified mitigation measures, this project would not have a significant impact on Traffic/Access. Cumulative development analysis performed in the DEIR determined that area-wide development would significantly impact 12 of the 17 study intersections. This impact is considered significant and unavoidable.

Population and Housing

The DEIR found that the net increase of population that would be created by the proposed project falls within the Southern California Association of Governments (SCAG) demographic projections for both the year 2010 and the year 2020.

The project will remove existing residential units occupied by persons of low and moderate income. Those units will be replaced onsite with the new project and will comply with the County's Mello Act policies. Significant impacts related to Population and Housing are not expected with this project.

When this project is viewed cumulatively with other related projects in the area, there is a potential to exceed SCAG's 2010 population projects. These potential impacts are significant and unavoidable.

Land Use and Planning

When the proposed project on Parcel FF is viewed by itself, it is not expected to have a significant impact on Land Use and Planning.

When the proposed project is combined cumulatively with other related projects, there is the potential for significant and unavoidable impacts.

Geotechnical and Soil Resources

The proposed project has the potential to expose people and structures to seismic shaking that could potentially occur at the project site. In addition, there is a potential for liquefaction induced ground subsidence on the lot and methane gas is known to exist under the soil in certain areas in and around Marina del Rey. Surficial wind and water erosion on the project site may increase during construction and have the potential to result in short term impacts related to soil erosion and loss of topsoil.

With proposed mitigation, potential impacts related to geotechnical and soil resources are less than significant.

Hydrology and Drainage

Construction related grading and excavation operations may result in increased water and wind erosion and a potential for the discharge of sediment into the small craft harbor. De-watering systems for the proposed subterranean garages also have the potential to discharge sediments from excavation areas directly to the small-craft harbor.

With mitigation measures, construction related hydrology and drainage impacts are less than significant.

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Biota

The removal of existing pilings and placement of new pilings associated with the replacement of the existing dock may cause significant impacts to the existing water quality and the associated marine fauna living in the sea floor, due to the re-suspension of sediment. This impact is also considered potentially significant due to the use of the water by the Endangered Brown Pelican and California Least Tern

With mitigation measures, construction related biota impacts are expected to be less than significant.

Visual Quality

With project design features, the visual quality impacts associated with the proposed project on Parcel FF are not considered significant by the DEIR.

Sewer Service

Based on the analysis of the DEIR, the proposed project will not have a cumulative impact on sewer service during either the construction or operational phases of the project.

Water Service

The DEIR did not foresee any significant impacts related to water service provided that the Marina water system upgrades are made, and the suggested water conservation measures are included as part of the mitigation monitoring program

Solid Waste

The demolition of the existing parking lot and the construction of the new apartment complex on Parcel FF will result in an incremental increase of solid waste disposal at landfills and other waste disposal facilities.

Mitigation measures are proposed to recycle at least 50% of demolition and construction related waste. Operation related impacts related to solid waste were not considered significant, but the applicant is proposing a plan to promote recycling and reuse materials. The cumulative impacts of the proposed project and related projects in the area may have a significant and unavoidable impact unless additional landfill space or other disposal alternatives are approved.

Education

The DEIR anticipated that the additional students that would be generated by buildout of the project could be accommodated into the local school system. Pursuant to Government Code Section 65995, the developer of the proposed project would be required to pay statutory school fees for the purpose of mitigating the impact of project-generated new students on school facilities. Developer fees of \$3.60 per square foot of new residential use are required.

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Police Protection

Construction related activities are not expected to cause a significant impact on police services in the Marina del Rey area. To help mitigate possible operational impacts, the Los Angeles County Sheriff's Department will review the project in regards to lighting, landscaping, building access and visibility, street circulation, building design and defensible space.

The DEIR determined that the proposed project would not result in substantial adverse physical impacts associated with the provision of new or physically altered existing police facilities.

Fire Protection

Construction of the proposed project would result in a large amount of flammable material being stored at the project site. In addition, the increase in construction related traffic could potentially slow response times of emergency vehicles.

Mitigation measures, including project fencing and private security during construction, are proposed to bring the construction related project impact to a level of insignificance. To address potential fire protection impacts related to project operation, the applicant will provide the Los Angeles County Fire Department with a Fire Safe Plan, which must be approved prior to the issuance of building permits.

The DEIR determined that the proposed project would not result in substantial adverse physical impacts associated with the provision of new or physically altered fire department facilities.

Library Services

The DEIR found that the Lloyd Taber/Marina del Rey Library has the capacity to accommodate the additional residents that would occur due to the proposed project. In addition, the applicant will be required to pay a library mitigation impact fee to offset the demand for library items that will be created by the proposed project.

Parks and Recreation

The project includes funding for the creation of a 1.46 acre wetland park. In addition, the applicant will also make a payment to the Coastal Improvement Fund to meet the Specific Plan requirement 3.0 acres of parkland for every 1000 persons.

The proposed mitigation measures will make the impact to Parks and Recreation less than significant.

COUNTY DEPARTMENT COMMENTS

Los Angeles County Fire Department

On June 5, 2008, a letter was received from the Los Angeles County Fire Department regarding the project. The letter confirmed that fire protection and emergency services for the Marina area were

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CONDITIONAL USE PERMIT NO. 200600290-(4)
VARIANCE NO. 200600014-(4)

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sufficient and stated furthermore that additional assistance was available from the City of Los Angeles in the event of a major structure fire. The letter also listed various Fire Department requirements that the proposed project would be required to meet. **(Attachment F)**

On July 2, 2008, a letter was received from the Los Angeles County Fire Department. The letter cleared the project for public hearing. **(Attachment G)**

Los Angeles County Health Department

On June 23, 2008, a letter was received from the Los Angeles County Health Department. The letter stated that the proposed project had the potential for construction related significant impacts on the surrounding community in the areas of Noise and Air Quality. The letter outlined specific mitigation measures that should be taken to help mitigate those impacts. **(Attachment H)**

Los Angeles County Department of Public Works (DPW)

On August 13, 2008 a letter was received from DPW. The letter recommended approval of the Conditional Use Permit for the project proposed on Parcel FF. The letter also detailed conditions that DPW would like included with the project. **(Attachment I)**

Los Angeles County Sheriff's Department

On May 12, 2008, a letter was received from the Los Angeles County Sheriff's Department. The letter also stated that the Station agreed with the conclusions of the cumulative analysis on the impacts of this and other projects on the police protection in the area, and that a portion of tax revenues generated from these developments should be directed toward addressing the future need for additional resources at the Marina del Rey Station. **(Attachment J)**

Los Angeles County Department of Parks and Recreation

On September 8, 2008, a letter was received from the Los Angeles County Department of Parks and Recreation that explained that Park Planning Area 28 had been merged into Park Planning Area 18B. The letter requested that all references to Park Planning Area, "28," be replaced with references to Park Planning Area, "18B."

OTHER AGENCY COMMENTS

California Department of Conservation's Division of Oil, Gas and Thermal Resources

On September 15, 2008, a letter was received from the Department of Conservation. The letter stated that there are two unplugged wells in the vicinity of the proposed project, and requested that any future maps of the project plot the wells. The letter gave recommendations for building near abandoned wells and stated that the Division of Oil, Gas and Thermal Resources should review the proposed plans prior to building construction.

California Department of Transportation

On October 2, 2008, a letter was the California Department of Transportation. The letter stated that the traffic study did not adequately address comments that had previous been made by the California Department of Transportation. The letter requested that DOT's comments regarding the projects potential impacts of State facilities be addressed prior to finalization of the Environmental Impact Report.

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Metropolitan Water District of Southern California

On September 28, 2008, a letter was received from the Metropolitan Water District of Southern California (MWD). The letter stated that MWD had determined that the proposed project was not regionally significant to them. They also stated that they are concerned with water conservation and encouraged the project to incorporate measures to conserve water.

PUBLIC COMMENTS

Three letters were received in opposition of the proposed project. (Attachment K) A phone call was received in opposition to the project on Parcel FF. The caller stated that she was against the provision of the project for Parcel FF that would allow construction and storage for the project on Parcel FF to occur on Parcel 10R because it would displace boater parking.

LEGAL NOTIFICATION/COMMUNITY OUTREACH

Hearing notices were mailed to 1,126 residents within a 500-foot radius of the subject property and other interested parties on September 3, 2008. The Draft Environmental Impact Report was mailed to Lloyd Taber Marina del Rey County Library in Marina del Rey, the Venice-Abbot Kinney Memorial Library in the City of Los Angeles, and the Julian Dixon Library in Culver City on September 2, 2008. Advertisements were published in the Argonaut and in *La Opinion* on September 4, 2008. According to the applicant, public hearing notices were posted at the project site on September 3, 2008.

STAFF EVALUATION

Issues

Plan amendment to the Marina del Rey Local Coastal Program are required to: authorize the transfer of 14 development units from the abutting Development Zone #2 (Tahiti Development Zone) and 112 development units from the proximate Develop Zone #1 (Bora Bora Development Zone) into the subject Development Zone #3 (Marquesas Development Zone); to change Parcel FF's land use designation from "Open Space" to the "Residential III" and "Residential V" designations with a Water Overlay Zone; to provide Open Space replacement on the lower portion of Parcel 9U; to change Parcel FF's height category from Category 1 to Category 3; to allow the development of Parcel FF to commence prior to the replacement of the existing public parking spaces that will be displaced; and to average the maximum height and residential densities of Parcel FF's Marina del Rey LCP Residential III and Residential V Land Use Categories evenly over the entire parcel rather than maintain the Residential III's required maximum height of 45 feet and maximum density of 35 dwelling units per acre and the Residential V's maximum height of 225 feet and maximum density of 75 dwelling units per acre.

Staff is of the opinion that the shortage in West Los Angeles provides sufficient justification for plan amendments to convert an underutilized parking lot into a multifamily residential complex. Furthermore, the 1996 Marina del Rey Land Use Plan specifically contemplate the conversion of Parcel FF into a residential use.

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Staff has not seen significant justification for the proposed plan amendment to allow the development of Parcel FF to commence prior to the replacement of the existing parking spaces on Parcel FF that will be displaced. Staff would like the applicant to provide more detailed justification why this plan amendment is necessary and in the best interest of the County.

Provided that the proposed plan amendments are approved and Parcel FF's Land Use Category is changed from, "Open Space," to "Residential III," and "Residential V," then pursuant to Sections 22.46.1230 and 22.46.1310, Title 22 of the County Code (Zoning Ordinance) an apartment complex is permissible in the Residential III and Residential V Land Use Categories of the Marina del Rey Specific Plan. A Coastal Development Permit is required to undertake any development in the Coastal Zone. Staff finds that the proposed apartment complex is consistent with the requirements for a Coastal Development Permit if the amendment is approved as proposed.

A Conditional Use Permit to authorize an onsite grading project, and the offsite export of earth. The proposed project is expected to require the excavation and removal of approximately 35,000 cubic yards of earth. Although this level of grading would not ordinarily require a Conditional Use Permit, the applicant is requesting one in the event that the grading for an adjacent project located on Parcel 10R is combined with the project under one grading permit. Staff finds that the proposed project is consistent with the requirements of Section 22.56.040 of the Los Angeles County Code.

As proposed, the project would require a Variance from development standards to allow a modification of the required setback from the 28 foot wide pedestrian promenade from 10 feet to 0 feet and to authorize the installation and maintenance of project signage that exceeds the maximum sign area and maximum number of signs permitted applicable residential zones. Staff considers the relatively small overall size and width of Parcel FF to be justification for the Variance requested to eliminate the required 10' building setback from the pedestrian promenade. Staff however does not believe that adequate justification has been given to approve the signage variance.

STAFF RECOMMENDATION

Approval

The following recommendation is made prior to the public hearing and is subject to change based upon testimony and/or documentary evidence presented at the public hearing.

Staff recommends APPROVAL of Coastal Development Permit No. 200600009-(4), Conditional Use Permit No. 200600290-(4) and Variance No. 200600014-(4) for the promenade setback, subject to the attached conditions. Staff also recommends that the Regional Planning Commission prepare a resolution recommending approval of Plan Amendment No. 200600014-(4) to the Board of Supervisors.

PROJECT NO. R2006-03652-(4)
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STAFF ANALYSIS

SUGGESTED MOTIONS

I move that the public hearing be continued to a date certain and that Regional Planning Commission instruct staff to prepare the Final Environmental Impact Report and prepare a resolution recommending the approval of Plan Amendment No. 200600014-(4) to the Board of Supervisors and prepare findings and conditions of approval for Coastal Development Permit No. 200600009-(4), Conditional Use Permit No. 200600290-(4) and Variance No. 200600014.

Report prepared by Michael Tripp, Principal Regional Planning Assistant
Reviewed by Samuel Dea, Section Head of Special Projects

Attachments:

Copy of Thomas Brothers Map
Burden of Proof
Draft Conditions
Land Use Map
Site Plan/Floor Plan

SD:MRT:mrt

COASTAL DEVELOPMENT PERMIT NO. 200600009-(4)

Draft Conditions

CONDITIONAL USE PERMIT NO. 20060090-(4)

VARIANCE NO. 200600014-(4)

1. This grant authorizes the demolition of an existing surface parking lot and subsequent construction of a new 126-unit apartment complex consisting of one 55 foot tall building and a 28 foot wide pedestrian promenade. The building is comprised of 4 levels of residential floors over 2 levels of at grade and partially subterranean parking containing a combined total of 270 parking spaces as depicted on the approved Exhibit "A," subject to all of the following conditions of approval.
2. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation, or other entity making use of this grant.
3. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Department of Regional Planning their affidavit stating that they are aware of, and agree to accept, all of the conditions of this and until all required monies have been paid pursuant to Condition Nos. 9, 10, and 35.
4. The permittee shall defend, indemnify and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009 or any other applicable limitation period. The County shall notify the permittee of any such claim, action, or proceeding and the County shall reasonably cooperate in the defense.
5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing pay the Department of Regional Planning an initial deposit of \$5,000, from which actual costs shall be billed and deducted for the purpose of defraying the expenses involved in the department's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance to permittee or permittee's counsel. The permittee shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:
 - a. If during the litigation process, actual costs incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of the initial deposit. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.
 - b. At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein.

The cost for collection and duplication of records and other related documents will be paid by the permittee in accordance with Los Angeles County Code Section 2.170.010.

6. This grant shall expire unless used within two (2) years of completion of Phase I (Parcel 10R) of the Neptune Marina Apartments project. A one-year time extension may be requested in writing and with payment of the applicable fee at least six (6) months prior to the expiration date.
7. If any provision of this grant is held or declared to be invalid, the permit shall be void and the privileges granted hereunder shall lapse.
8. Prior to the use of this grant, the terms and conditions of the grant shall be recorded in the office of the County Recorder. In addition, upon any transfer or lease of the property during the term of this grant, the permittee shall promptly provide a copy of the grant and its conditions to the transferee or lessee, as applicable, of the subject property.
9. The subject property shall be developed, maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. Prior to the use of this grant, the permittee shall deposit with the County of Los Angeles the sum of \$4,500.00. These monies shall be placed in a performance fund which shall be used exclusively to compensate the Department of Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval, including adherence to development in accordance with the approved site plan on file. The fund provides for 30 annual inspections. Inspections shall be unannounced.

If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any condition of this grant, the permittee shall be financially responsible for and shall reimburse the Department of Regional Planning for all additional inspections and for any enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall be the amount equal to the recovery cost at the time of payment (currently \$150.00 per inspection).
10. Within five (5) days of the approval date of this grant, the permittee shall remit processing fees payable to the County of Los Angeles in connection with the filing and posting of a Notice of Determination in compliance with Section 21152 of the Public Resources Code. The project is not *de minimus* in its effect on fish and wildlife and is

not exempt from payment of a fee to the California Department of Fish and Game pursuant to Section 711.4 of the Fish and Game Code. The current total fee amount is \$1,275.00.

11. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission or a hearing officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or hearing officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public health or safety or so as to be a nuisance. If this grant is modified, the permittee shall reimburse the County all costs associated with the proceeding.
12. Upon approval of this grant, the permittee shall contact the Fire Prevention Bureau of the Los Angeles County Forester and Fire Warden to determine what facilities may be necessary to protect the property from fire hazard. Any necessary facilities shall be provided to the satisfaction of and within the time periods established by said Department.
13. All requirements of the Zoning Ordinance and of the specific zoning of the subject property must be complied with unless specifically modified by this grant, as set forth in these conditions or shown on the approved plans.
14. All structures shall comply with the requirements of the Division of Building and Safety of the Department of Public Works.
15. All structures, walls, and fences open to public view shall remain free of extraneous markings, drawings, or signage. These shall include any of the above that do not directly relate to the use of the property or provide pertinent information about the premises. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.
16. In the event such extraneous markings occur, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.
17. The subject facility shall be developed and maintained in compliance with the requirements of the Los Angeles County Department of Health Services. Adequate water and sewage disposal facilities shall be provided to the satisfaction of said Department.

COASTAL DEVELOPMENT PERMIT NO. 200600009-(4)

Draft Conditions

CONDITIONAL USE PERMIT NO. 200600090-(4)

VARIANCE NO. 200600014-(4)

18. Within sixty (60) days of the Design Control Board's final design approval, the permittee shall submit to the Director for review and approval three (3) copies of a revised Exhibit "A", similar to that presented at the public hearing.

The subject property shall be developed and maintained in substantial compliance with the approved Exhibit "A." In the event that subsequent revised plans are submitted, the permittee shall submit three (3) copies of the proposed plans to the Director for review and approval. All revised plans must be accompanied by the written authorization of the property owner.

19. Within sixty (60) days of the Design Control Board's final design approval, the permittee shall submit to the Director for review and approval three (3) copies of signage plans depicting the location, size and height of all proposed signage, developed in accordance with the requirements of Part 10 of Chapter 22.52 of the County Code except that one sign with sign area up to 120 square feet is authorized for building identification. Review and approval of the Design Control Board shall also be required and the Director shall not approve signage plans until the plans have been first approved by the Design Control Board.
20. Within sixty (60) days of the Design Control Board's final design approval, the permittee shall submit to the Director for review and approval three (3) copies of landscaping plans, which may be incorporated into the Exhibit "A," depicting the size, type and location of all proposed landscaping on the site as well as all proposed irrigation. The Director shall not approve landscaping plans until the plans have been first approved by the Design Control Board.
21. Within sixty (60) days of the approval date of this grant, the permittee shall submit for review and approval by County Counsel a deed restriction, covenant or similar document running with the land for the benefit of the County of Los Angeles, suitable for recordation in the office of the County Recorder, providing the number of apartment units shall be available and restricted to very low income households, as defined in Section 22.08.090 of the County Code, for a period of at least thirty (30) years beginning on the date that the units are available for rent. Said document shall contain remedies for violations of the covenant including but not limited to monetary penalties. The approved document shall be recorded prior to use of this grant.
22. The permittee shall, on an annual basis, commencing on the date the affordable units are available for rent and extending for thirty (30) years (or other longer period established in the document required in this condition), submit the following documentation to both the Director of Planning and the Los Angeles County Community Development Commission:

- a. Annual owner's tenant certification form;
 - b. Proof of compliance with Affirmative Marketing efforts; and
 - c. Summary of applicants.
23. Those rental dwelling units reserved for very low income households shall have an affordable rent as defined in Section 50053 of the Health and Safety Code.
 24. The affordable housing units shall be dispersed throughout the proposed project and shall be compatible with the exterior design of other units in the project in terms of appearance, materials, and finished quality.
 25. The reserved affordable housing units shall be constructed and offered for rent concurrently with or prior to the construction and rental of the unreserved units in the project.
 26. Prior to use of this grant, the permittee shall submit a form of security, such as but not limited to letters of credit, in an amount sufficient to assure completion of all designated affordable housing units, to the satisfaction of the Director.
 27. The following conditions shall apply to project construction activities:
 - a. All material graded shall be sufficiently watered to prevent excessive amounts of dust during the construction phase. Watering shall occur at least twice daily with complete coverage, preferably in the late morning and after work is done for the day. All clearing, grading, earth moving or excavation activities shall cease during periods of high winds (i.e. greater than 20 mph averaged over one hour) to prevent excessive amounts of dust. Any materials transported off-site shall be either sufficiently watered or securely covered to prevent excessive amounts of dust.
 - b. Project construction and appurtenant activities, including engine warm-up, shall be limited to those hours between 7:00 a.m. and 6:00 p.m. Monday through Friday and 8:00 a.m. and 5:00 p.m. Saturday. Construction work shall not take place on Sundays. Grading, hauling and pile driving shall not commence before 8:00 a.m., Monday through Friday and shall not occur on Saturdays, Sundays or legal holidays.
 - c. During demolition and construction, the permittee and its contractor shall comply with Sections 12.12.010 – 12.12.100 of the Los Angeles County Code regarding building construction noise.

- d. All stationary construction noise sources shall be sheltered or enclosed to minimize adverse effect on nearby properties. Generators and pneumatic compressors shall be noise protected in a manner that will minimize noise inconvenience to adjacent properties. Parking of construction worker vehicles shall be on-site or at an adjacent off-site location approved by the Director and agreed to by the lessee of said property and restricted to areas buffered from residences located in the vicinity of the subject property, as approved by the Director. If the permittee chooses to provide parking for construction workers off-site, the permittee shall submit to the Director for review and approval plans for temporary construction worker parking and shall demonstrate that the use of the off-site parking spaces shall not interfere with parking spaces required for operation of any use or uses on the property to be used for temporary parking. All construction equipment, fixed or mobile, that is utilized on the site for more than two working days shall be in proper operating condition and fitted with standard factory silencing features. To ensure that mobile and stationary equipment is properly maintained and meets all federal, state, and local standards, the permittee shall maintain an equipment log. Said log shall document the condition of equipment relative to factory specifications and identify the measures taken to ensure that all construction equipment is in proper tune and fitted with an adequate muffling device. Said log shall be submitted to the Director and the Department of Public Works for review and approval on a quarterly basis. In areas where construction equipment (such as generators and air compressors) is left stationary and operating for more than one day within 100-feet of residential land uses, temporary portable noise structures shall be built. These barriers shall be located between the piece of equipment and sensitive land uses.
- e. The permittee shall provide adjacent owners and tenants with a pile driving schedule 10 days in advance of such activities, and a three-day notice of any re-tapping activities that may occur. The permittee shall submit a copy of the schedule and mailing list to the Director and the County Department of Public Works prior to the initiation of construction activities.
- f. All project-related truck hauling shall be restricted to a route approved by the Department of Public Works, a map of which shall be provided to the Director upon approval. The permittee shall post a notice at the construction site and along the proposed truck haul route. The notice shall contain information on the type of project, anticipated duration of construction activity, and provide a phone number where people can register questions and complaints. The permittee shall keep record of all complaints and take appropriate action to minimize noise generated by the offending activity where feasible. A monthly log of noise

complaints shall be maintained by the permittee and submitted to the County of Los Angeles Department of Health Services.

- g. Prior to any project construction activities, the permittee shall submit a site plan to the Director of Planning for approval, that depicts the following:
- The location of the staging area;
 - Location and content of the required notice;
 - The expected duration of construction activities.

The permittee shall post a notice in a conspicuous location at the staging site. The notice shall contain information on the type of project, anticipated duration of construction activity, and provide a phone number where people can register questions and complaints. The permittee shall keep record of all complaints and take appropriate action to minimize noise generated by the offending activity where feasible. A monthly log of noise complaints shall be maintained by the permittee and submitted to the Department of Regional Planning upon request.

- h. The permittee shall develop and implement a construction management plan, as approved by the Director of Planning and the Director of Public Works, which includes all of the following measures as recommended by the South Coast Air Quality Management District (SCAQMD), or other measures of equivalent effectiveness approved by the SCAQMD:
- i. Configure construction parking to minimize traffic interference.
 - ii. Provide temporary traffic controls during all phases of construction activities to maintain traffic flow (e.g., flag person).
 - iii. Schedule construction activities that affect traffic flow on the arterial system to off-peak hours to the degree practicable as determined by the Director of Public Works.
 - iv. Consolidate truck deliveries when possible.
 - v. Provide dedicated turn lanes for movement of construction trucks and equipment on- and off-site.
 - vi. Suspend use of all construction equipment operations during second stage smog alerts. Contact the SCAQMD at (800) 242-4022 for daily forecasts.

- vii. Use electricity from power poles rather than temporary diesel- or gasoline-powered generators, except as approved by the Director.
- viii. Use methanol- or natural gas-powered mobile equipment and pile drivers instead of diesel if readily available at competitive prices.
- ix. Use propane- or butane-powered on-site mobile equipment instead of gasoline if readily available at competitive prices.
- i. The permittee shall develop and implement a dust control plan, as approved by the Director of Planning and the Director of Public Works, which includes the following measures recommended by the SCAQMD, or other measures of equivalent effectiveness approved by the SCAQMD:
 - i. Apply approved non-toxic chemical soil stabilizers according to the manufacturer's specification to all inactive construction areas (previously graded areas inactive for four days or more).
 - ii. Replace ground cover in disturbed areas as quickly as possible.
 - iii. Enclose, cover, water twice daily, or apply approved soil binders to exposed piles (i.e., gravel, sand, dirt) according to manufacturers' specifications.
 - iv. Provide temporary wind fencing consisting of three- to five-foot barriers with 50 percent or less porosity along the perimeter of sites that have been cleared or are being graded.
 - v. Sweep streets at the end of the day if visible soil material is carried over to adjacent roads (recommend water sweepers using reclaimed water if readily available).
 - vi. Install wheel washers where vehicles enter and exit unpaved roads onto paved roads, or wash off trucks and any equipment leaving the site each trip.
 - vii. Apply water three times daily or chemical soil stabilizers according to manufacturers' specifications to all unpaved parking or staging areas or unpaved road surfaces.

- viii. Require construction vehicles to observe traffic speed limits of 15 mph or less on all unpaved roads.
 - j. All construction and development on the subject property shall comply with the applicable provisions of the Uniform Building Code and the various related mechanical, electrical, plumbing, fire, grading and excavation codes as currently adopted by the County of Los Angeles.
 - k. The permittee shall demonstrate that all construction and demolition debris, to the maximum extent feasible as determined by the Director, will be salvaged and recycled in a practical, available, and accessible manner during the construction phase. Documentation of this recycling program shall be provided to the Director and the County of Los Angeles Department of Public Works, prior to building permit issuance.
- 28. The subject apartment building shall be limited to 126 dwelling units.
 - 29. The subject building shall not exceed a height of 55 feet, except for chimneys and rooftop antennas as shown on the approved Exhibit "A."
 - 30. Front yards (front yard is adjacent to Marquesas Way) shall be maintained at a minimum of ten (10) feet in width and side yards shall be maintained at a minimum of five (5) feet in width.
 - 31. Prior to issuance of any building permit, the permittee shall submit to the Director evidence of the Design Control Board's approval of final plans for design details including, but not limited to signage, building color and materials palette, landscaping and plant palette.
 - 32. The building shall be designed and constructed utilizing earthquake resistant construction and engineering practices and shall be designed to withstand a seismic event. All earthquake studies shall comply with the latest recommendations of the state Department of Conservation and the Seismic Safety Board for seismic safety.
 - 33. A minimum of 243 standard parking spaces shall be provided on-site for use by the residents and guests of the apartment complex. A minimum of 32 standard parking spaces shall be provided on-site for use by guests of the building and these spaces may not be tandem spaces. A minimum of 211 of the required parking spaces shall be maintained for apartment usage at all times, developed in compliance with Chapter 22.52, Part 11 of the County Code and no inoperable vehicles shall be parked, stored or otherwise allowed to remain in the required parking spaces. On-street parking shall be prohibited, as shall parking in unmarked spaces and in access driveways. Guest,

boater and resident parking shall be clearly marked as such and guest spaces shall not be assigned to or used by residents.

34. The permittee shall comply with all recommended conditions listed in the attached letter from the Department of Public Works dated August 13, 2008, except as otherwise required by said department.
35. The permittee shall comply with all recommended conditions listed in the attached letter from the Los Angeles County Fire Department dated July 2, 2008, except as otherwise required by said department.
36. The permittee shall comply with all of the mitigation measures included in the attached Mitigation Monitoring Program and Project Changes/Conditions due to Environmental Evaluation including submittal of a Mitigation Monitoring deposit in the amount of \$3,000 which shall be required prior to use of the grant and shall be utilized to defray costs associated with staff review and verification of the required mitigation monitoring reports. The mitigation monitoring reports shall be submitted to the Director as follows:
 - a. At the time of building permit issuance for each project phase, including verification of payment of applicable fees;
 - b. Annually; and
 - c. Additional reports as deemed necessary by the Department of Regional Planning.
37. In the event of discovery of Native American remains or of grave goods, §7050.5 of the Health and Safety Code, and §5097.94, §5097.98 and §5097.99 of the Public Resources Code (all attached) shall apply and govern the permittee's development activities.
38. Prior to commencement of grading, the permittee shall provide evidence that it has notified the Office of State Historic Preservation and the Native American Heritage Commission of the location of the proposed grading, the proposed extent of the grading and the dates on which the work is expected to take place.
39. The permittee shall maintain the subject property in a neat and orderly fashion and free of litter. Yard areas that are visible from the street shall be free of debris, trash, lumber, overgrown or dead vegetation, broken or discarded furniture, and household equipment such as refrigerators, stoves, and freezers.

COASTAL DEVELOPMENT PERMIT NO. 200600009-(4)

CONDITIONAL USE PERMIT NO. 20060090-(4)

VARIANCE NO. 200600014-(4)

Draft Conditions

40. All ground- and roof-mounted equipment shall be fully screened from public view. All roof-mounted facility screening materials shall be constructed of high quality building materials and shall be fully integrated into the building architecture.
41. The applicant shall provide signage at the bulkhead entrance and at conspicuous locations along the length of the promenade identifying the access ways as public. Benches shall be provided along the promenade.
42. The applicant is required to contribute to the Coastal Improvement fund prior to the issuance of any building permit. The estimated contribution based on the 126 proposed additional units on Parcel FF is \$75,600 (\$600.00 x 126 residential units). This amount may be reduced based on any credit the applicant is eligible per LACC 22.46.1950.D.
43. Outside lighting shall be so arranged to prevent glare or direct illumination onto any adjacent properties and shall be subject to the requirements of the Design Control Board. Any security lighting used shall be on a motion detector.
44. All project infrastructure shall be designed and constructed in an environmentally sensitive manner, and shall follow the design and recreation policies of the certified Local Coastal Program, including landscaping standards required by the Design Control Board.
45. The permittee shall obtain all necessary permits from the Los Angeles County Department of Public Works and shall maintain all such permits in full force and effect throughout the life of this grant.
46. Prior to offering the apartments for rent, a valid business license shall be obtained for operation of the apartment building and shall remain in effect for the life of this grant.
47. The applicant shall prepare a Fire Safety Plan in accordance with Section 22.46.1180.A.15 of the County Code and obtain approval by the Fire Department prior to issuance of any building permits.
48. The permittee shall provide fire sprinklers and smoke detectors in the subject apartment building to the satisfaction of the Los Angeles County Fire Department.
49. The permittee shall establish a functional Transportation Demand Management (TDM) program or shall participate in an existing TDM program. Viable TDM components may include, but shall not be limited to:
 - Carpools;
 - Ridesharing;

COASTAL DEVELOPMENT PERMIT NO. 200600009-(4)
CONDITIONAL USE PERMIT NO. 20060090-(4)
VARIANCE NO. 200600014-(4)

Draft Conditions

- Vanpools;
- Increase use of bicycles for transportation;
- Bicycle racks;
- Preferential parking for TDM participants;
- Incentives for TDM participants;
- Disincentives.

Said TDM program shall follow the guidelines in the Transportation Improvement Program contained in Appendix G of the Marina del Rey Local Coastal Program. An annual report on the effectiveness of the TDM program shall be submitted to the Director.

50. Project development shall conform to the phasing schedules in the certified Local Coastal Program. The phasing schedules include requirements for the existing Marina, circulation and public recreation improvements and infrastructure.
51. The permittee shall mitigate all direct impacts on the internal circulation system before occupancy of any units. Prior to the use of this grant, the permittee shall demonstrate to the Director of Public Works that adequate funding is available so that all traffic improvements necessary to mitigate the impacts of the development project on the internal Marina del Rey circulation system will be completed before occupancy of the apartment building. Building permits for the project shall not be issued until the permittee has demonstrated to the satisfaction of the Director of Public Works that adequate funding of the necessary internal circulation traffic improvement has been guaranteed.
52. Pursuant to Chapter 22.72 of the County Code, the permittee shall pay a fee to the County of Los Angeles Public Library prior to the issuance of any building permit in the amount required by Chapter 22.72 at the time of payment and provide proof of payment to the Department of Regional Planning. The current fee amount is \$671.00 per dwelling unit (\$772.00 X 126 additional apartment units = \$97,272). The permittee may contact the County Librarian at (562) 940-8430 regarding payment of fees.

Attachments:

Department of Public Works letter dated August 13, 2008
Los Angeles County Fire Department letter dated July 2, 2008
§7050.5 of the Health and Safety Code
§5097.4, §5097.98 and §5097.99 of the Public Resources Code

ATTACHMENT A

Design Control Board Review DCB #04-014

PARCEL NAME: Neptune Marina

PARCEL NUMBER: 10 & FF

REQUEST: Consideration of demolition of Neptune Marina apartments (136 units) and anchorage (184 slips plus 14 end ties) and construction of 526 apartment units, 161 boat slips, 13 end-tie spaces, and a transient dock with a sewage pump-out facility.

ACTION: Conceptually approved with conditions.

CONDITIONS: Conditioned upon the determination by the appropriate jurisdictional agencies and governmental bodies of the wetlands designation.

- 1) All design details must be consistent;
- 2) The garage lacks transparency and is too dark and too high. The Board requires the applicant to redesign and create the plinth consistent with moderne style and colors;
- 3) The applicant must look at creating the maximum water view along the view corridors; and
- 4) The development of Parcel FF and the diamond-shaped building are dependent upon the successful development of the park.
- 5) Post-entitlement, the applicant will return with materials, colors, fenestration, landscape, signage and all the issues that are typically addressed by the Board. The Board will also be looking for more "Marina friendly" materials that are expressive of the Marina environment and less commercial.

MEETING DATE: August 19, 2004 & October 21, 2004

ATTACHMENT B

R2006-03652
RCDP 200600009

Attachment

**Marina del Rey Parcel FF: Neptune Marina Apartments
Burden of Proof Statements for Coastal Development Permit
Legacy Partners Neptune Marina, LLC (Applicant)**

This exhibit has been prepared pursuant to Section 22.56.2410 of the Los Angeles County Code (LACC), which outlines the requisite findings for approval of a coastal development permit. Each required finding is listed below in italicized font; the applicant's description of how the proposed development project satisfies each finding follows in bold font.

The applicant shall substantiate to the satisfaction of the Planning Commission the following facts:

- 1. That the proposed development is in conformity with the certified local coastal program.*

The proposed development project is consistent with the certified Marina del Rey Local Coastal Program ("LCP") in that:

- Consistent with LACC 22.46.1180.12.a, the project has been reviewed and conceptually approved by the Department of Beaches & Harbors' Design Control Board ("DCB"). In rendering its conceptual approval for the project, the DCB found the proposed project to be in conformity with the various public access, height, circulation, building massing, visual impact and view requirements of the LCP.**
- Consistent with LACC 22.46.1190.A.1, site development on Parcel FF will occur in geologically safe areas.**
- The Applicant will be conditioned to conduct site development in conformity with the archeological reporting requirements specified in LACC 22.46.1190.2.a-c.**
- Consistent with LACC 22.46.1190.A.3, the project will be conditioned to implement a functional transportation systems management (TSM)/Transportation Demand Management (TDM) program incorporating the on-site installation of bike racks and a carpooling informational bulletin board.**
- The proposed development project conforms to the phasing schedules in the LCP because:**
 - With development of the project, there will be no significant, unmitigated peak-hour adverse traffic impacts created as a result of project development;**
 - There is sufficient traffic capacity in both the Marina del Rey internal system and the sub-regional highway system serving the Marina to accommodate the traffic generated by the modest planned development; and**

Attachment

Marina del Rey Parcel FF: Neptune Marina Apartments Burden of Proof Statements for Coastal Development Permit Legacy Partners Neptune Marina, LLC (Applicant)

- Parcel FF is located in LCP Development Zone 3 (Marquesas). With approval of Applicant's separate apartment project application for Marina Parcel 10R (located across Marquesas Way from the subject Parcel FF), Development Zone 3 will contain no additional dwelling unit entitlement credits. Therefore, as justified in the LCP Amendment Burden of Proof statement provided with this application, the Applicant has requested, among other proposed amendments to the certified LCP, authorization for the transfer of 14 excess dwelling unit credits from the abutting Development Zone-2 (Tahiti Development Zone) and 112 excess development unit credits from the proximate Development Zone-1 (Bora Bora Development Zone) into the subject Development Zone 3. With approval of this development unit transfer, there will be sufficient dwelling unit credits within the subject DZ 3 to accommodate the planned development of 126 rental dwelling units on Parcel FF. (There is a clear precedent for such inter-development zone transfers on the western side of Marina del Rey; reference Goldrich & Kest Industries' LCP amendment approval at Marina Parcel 20, County Case No. 97-172-4, certified by the California Coastal Commission, which authorized the transfer of 97 development units from the Bora Bora DZ into the Panay DZ. As with the Parcel 20 LCP amendment, a traffic analysis has been prepared which has determined that the traffic and circulation impacts of the proposed inter-development zone transfer of excess development units are insignificant.)

To facilitate development of an apartment building on the parcel, the Applicant is proposing an LCP Amendment to reclassify the Parcel FF land use designation from "Open Space" to "Residential V-WOZ" (1.38-acre non-mole portion) and "Residential III-WOZ" (0.67-acre mole portion). Per applicable LCP density standards for the Applicant's proposed R-V (non-mole portion) and R-III (mole portion) land use designations for the site, maximum allowable density for Parcel FF would be 126 dwelling units, as proposed. Accordingly, as proposed for development per this application, the project is in full conformity with the build-out limitations of the LCP specified for Development Zone 3.

Public Wetland Park & Transient Boat Anchorage

To account for the loss of "Open Space" designated land that would occur as a result of planned development of Parcel FF with an apartment building, thereby precluding the potential future development of a public park, the Applicant will provide at least 50% of the funding required to develop a restored public wetland and upland park of 1.46 acres on the southerly portion of Parcel 9U. The park will consist of a newly established "muted" tidal salt marsh in the center of the park, surrounded by a buffer of 25 feet from the actual wetland area toward both the proposed hotel/timeshare resort structure to the north (i.e., the "Woodfin Suites

Attachment .

**Marina del Rey Parcel FF: Neptune Marina Apartments
Burden of Proof Statements for Coastal Development Permit
Legacy Partners Neptune Marina, LLC (Applicant)**

Hotel & Timeshare Resort”) and Tahiti Way on the south. The muted tidal salt marsh will be approximately 0.47 acres in size.

The area outside of the actual salt marsh will be planted in appropriate native vegetation and shall serve as a public open space area for the enjoyment of wildlife and biological resources reminiscent of the way Marina del Rey existed before the harbor was built. Appropriate interpretive signage will be installed to enhance the public’s visiting experience. A permeable turf block area, which will include natural vegetation at the northerly end of the park, will provide a sturdy space for group lectures, seating for visitors bringing lawn chairs for bird watching and maintenance/emergency vehicles.

To further account for the loss of potential future public park space that would occur as a result of its development of Parcel FF with an apartment building, the Applicant will fund and develop (under separate application filed concurrently with this application) a public/“transient” boat anchorage to adjoin the Parcel 9U bulkhead. This anchorage would comprise approximately 49,000 square feet or 1.12 waterside or submerged acres in the southwestern portion of Basin B, and would contain approximately 542 lineal feet of new public dock area (it is estimated that the public anchorage would provide berthing for between seven and 11 transient vessels, depending on the sizes of the vessels utilizing the anchorage at any given time, plus additional area for dingy docking at the north side of the anchorage). The new public boat and anchorage would be compliant with ADA and California Department of Boating & Waterways (“CA DB&W”) standards.

The combination of benefits to the public from these improvements (i.e., the restored wetland, upland park and public boat anchorage) represents a significant recreational boating, open space and environmental asset for the public, and is preferred by the County as mitigation for the loss 2.048 acres of designated open space on Parcel FF.

- As noted above, the Applicant is requesting an LCP amendment to change the LCP’s land use designation for Parcel FF from “Open Space” to “Residential V-WOZ” (1.38-acre non-mole portion) and “Residential III-WOZ” (0.67-acre mole portion). With approval of this LCP amendment, the project will be consistent with the proposed “Residential V-WOZ” (non-mole portion) and “Residential III-WOZ” (mole portion) land use designations in that:

- All uses—i.e., multi-family housing and appurtenant uses—that will be developed in the project are included in the list of permitted uses provided in the LCP for the Residential V and Residential III land use categories (see

Attachment . . .

**Marina del Rey Parcel FF: Neptune Marina Apartments
Burden of Proof Statements for Coastal Development Permit
Legacy Partners Neptune Marina, LLC (Applicant)**

LACC 22.46.1310 and 22.46.1230). (As a component of this application, the Applicant has requested an Amendment to the LCP to “blend” residential densities over Parcel FF without respect to the 35 dwelling units/acre and 75 dwelling units/acre density development standards prescribed in the MDR LCP for the proposed R-III and R-V land use categories. Total site density will not exceed the LCP-prescribed 126 dwelling units for Parcel FF, but the units will be more evenly distributed between the R-V [non-mole portion] and R-III [mole portion] designated areas of the parcel, allowing for a more uniform and attractive building massing scheme and development.);

- The proposed development is in conformity with the front, rear and side yard setbacks specified in LACC 22.46.1250 and 22.46.1330, except as proposed for modification pursuant to the promenade-adjacent yard reduction variance request filed with this application; and
- Site development will not reduce the amount of land area devoted to existing visitor-serving, boating or marine commercial uses.

LCP Development Standards Consistency Analysis:

The LCP outlines development standards for each parcel and each land use category. A project consistency analysis with respect to these standards for the subject Parcel FF follows:

- **Building Heights:** As noted, the Applicant is requesting an LCP amendment to change Parcel FF’s LCP land use designation from Open Space to a residential land use designation to allow for development of an apartment house on the site. The Applicant is also requesting an LCP amendment to change the parcel’s building height category from Height Category 1 (maximum building height of 25 feet) to Height Category 3, which allows for 45-foot building heights when a 20% view corridor is provided, ranging to 75 feet maximum when a 40% view corridor is provided. Height Category 3 permits building height above 45 feet at the ratio of 1.5 feet in height for every one percent view corridor exceeding the 20 percent (see LACC 22.46.1060.5.c). The proposed 55-foot building height (exclusive of typical rooftop appendages) would be consistent with the proposed Height Category 3 designation because the Applicant is providing a view corridor comprising 26.7% of the parcel’s water frontage.
- **View Corridors:** Parcels located between the water and the first public road must provide a view corridor allowing uninterrupted views of the harbor

Attachment

**Marina del Rey Parcel FF: Neptune Marina Apartments
Burden of Proof Statements for Coastal Development Permit
Legacy Partners Neptune Marina, LLC (Applicant)**

from the road to the waterside, at ground level. As depicted on the view corridor exhibit submitted by the applicant, the Applicant has provided view corridors consistent with LCP requirements--i.e., a view corridor comprising 26.7% of the parcel's water frontage will be provided, consistent with LCP view corridor requirements for the proposed 55-foot-tall apartment building.

- **Promenade:** The project is consistent with LCP standards calling for the provision of a continuous 28-foot-wide pedestrian promenade along the parcel's bulkhead. Seating and landscaping will be provided along the site bulkhead, consistent with LCP requirements.
- **Site Design:** Consistent with LCP requirements, the project has been designed so that planes of the exterior building walls will vary in depth and/or direction to avoid bulk and monotony, and will relate closely to the pedestrian promenade. The proposed building placement and design avoids long, continuous blocking of water views. As noted, the Design Control Board has reviewed and conceptually approved the proposed site design and architecture, consistent with LCP requirements.
- **Lot Coverage:** Consistent with LCP requirements, more than 10 percent of the net lot area will be landscaped and building coverage is less than 90 percent of the net lot area.
- **Parking:** On-site parking has been programmed for the project consistent with the parking standards of the County Zoning Ordinance.
- **Fire Safety:** Project structures will be fully sprinklered, in conformance with County Fire Department requirements. Emergency access to all structures and common areas of the project will be provided to the satisfaction of the County Fire Department. A County Fire Department-approved "Fire Safety Plan" will be submitted with the Planning Department application.
- **Landscaping:** Landscaping along site perimeters will maintain a minimum width of eight feet and will allow visual access into the lot, as required by the LCP.
- **Project infrastructure:** Proposed project infrastructure has been designed, and will be constructed by the Applicant, in an environmentally sensitive manner, and will follow design policies of the LCP, including landscaping standards required by the Department of Beaches & Harbors Design Control Board.

Attachment

**Marina del Rey Parcel FF: Neptune Marina Apartments
Burden of Proof Statements for Coastal Development Permit
Legacy Partners Neptune Marina, LLC (Applicant)**

Marina del Rey Land Use Plan Policy Consistency Analysis:

The project is compliant with the following applicable policies of the MDR Land Use Plan:

Shoreline Access ("SA"): LUP Chapter 1

Policies 1-4 and 10-14 of this element of the LUP establish requirements for new development to follow which would preserve or enhance public access to the shoreline and awareness of shoreline access points.

- **(SA Policy 1) (*Public Access to Shoreline a Priority*). The project provides public pedestrian access and ensures passive recreational use to and along all portions of the Parcel FF bulkhead, in conformance with Sections 30210-30212 of the California Coastal Act and Chapter 1 ("Shoreline Access") of the Marina del Rey Land Use Plan. The project implements this key Public Shoreline Access policy through provision of 28-foot-wide public pedestrian promenade along the parcel bulkhead; through provision of public views to the water from the public street fronting the project (Marquesas Way), consistent with LCP view corridor requirements; through provision of directional signage regarding the project's public waterfront promenade and nearby public wetland park (to be located on southerly portion of adjoining Parcel 9U); through development of a public boat anchorage adjoining the Parcel 9U bulkhead; through contributing 50% of the cost of developing a public wetland park on the southerly portion of Parcel 9U; and through provision of a Marina del Rey visitor-serving activities promotional kiosk to be located in the apartment building's lobby. In furtherance of these important shoreline access policies, the Applicant will be conditioned to provide signage at the project's entrances and at each bulkhead entrance of each public lateral access way identifying these as public access ways. The Applicant will also provide signage at conspicuous locations along the length of the bulkhead public access ways (public promenade) identifying the access ways as public.**
- **(SA Policy 2) Public access to the water front is a key priority of the LCP. The project implements this key policy through development of a 28-foot-wide public pedestrian promenade along the entire water frontage of Parcel FF; through development of a public boat anchorage adjoining the Parcel 9U bulkhead; and through providing 50% of the cost of developing a public wetland park on the southerly portion of Parcel 9U.**

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**Marina del Rey Parcel FF: Neptune Marina Apartments
Burden of Proof Statements for Coastal Development Permit
Legacy Partners Neptune Marina, LLC (Applicant)**

- (SA Policy 3) Project design provides access to and along the shoreline through provision of waterfront pedestrian promenade and public lateral access ways across the site from Marquesas Way to the public waterfront promenade. Development adjacent to the bulkhead (i.e., public promenade) will provide pedestrian access ways, benches and rest areas along the bulkhead.
- (SA Policy 4) (*Provision of public access over lateral access ways*). As noted, the project provides for public access from public roads fronting the project to the shoreline along all fire roads and across all dedicated project open space areas; such access ways will be conspicuously signed at entrances from the public street (i.e., from Marquesas Way).
- (SA Policy 11) (*Future establishment of Marina shuttle Bus*). The Applicant will be conditioned to participate in its proportionate share (through the County's appropriation of the Applicant's paid Category 3 traffic mitigation fees), if and when such a shuttle system is established in the future.
- (SA Policy 12) (*Shuttle Bus Funding*). As noted, the Applicant will pay all required Category 3 traffic mitigation fees. The County Department of Public Works, which administers the fees, may use a portion of the fees to fund establishment of a public shuttle service in the Marina.
- (SA Policy 13) (*Directional Signs*). The project will incorporate directional signage, outdoor exhibits and brochures to enhance public awareness of shoreline access ways and public areas, to include: i) conspicuous signage regarding public waterside access (public promenade and nearby wetland park on Parcel 9U); ii) outdoor map indicating the location and type of public access ways and parks located in Marina del Rey; and iii) kiosk within apartment building lobbies containing information on visitor-serving activities in the Marina.
- (SA Policy 14) (*Waterfront Viewing Opportunities*). Provision of a new 28-foot-wide public pedestrian promenade along the parcel's entire waterfront will allow the public substantial viewing opportunities of the small craft harbor water areas.

Attachment

**Marina del Rey Parcel FF: Neptune Marina Apartments
Burden of Proof Statements for Coastal Development Permit
Legacy Partners Neptune Marina, LLC (Applicant)**

Recreation & Visitor-Serving Facilities ("R&V-S"): LUP Chapter 2

- **(R&V-S Policy 2) (*Calling for additional recreational opportunities in new developments*)**. The project provides enhanced recreational opportunities through its development of a new 28-foot-wide public pedestrian promenade along the entire waterfront of the parcel; through the Applicant's development of a public boat anchorage abutting the Parcel 9U bulkhead; and for causing for the development of a public wetland park on the southerly portion of Parcel 9U by paying 50% of the park's development costs.
- **(R&V-S Policy 5) (*Requiring non-Coastal-priority or non-marine related uses to contribute to Coastal Improvement Fund*)**. Consistent with this policy, the project developer will contribute to the Coastal Improvement Fund, which funds will be used by the County to fund development of recreational facilities to offset increases in residential densities caused by project development.
- **(R&V-S Policy 6) (*Parking*)**. The project will satisfy County parking requirements for all proposed uses.
- **(R&V-S Policy 7) (*Parking Integration*)** Consistent with this policy, project parking facilities will be integrated into the overall design of the project. As noted, the project, including proposed subterranean parking elements, have been reviewed and conceptually approved by the DCB.
- **(R&V-S Policy 12) (*Public Parking Lots*)** This policy stipulates: "No designated public parking areas, including, but not limited to, Lots OT, UR or FF, shall be converted to uses other than public parking or public park purposes. Parking spaces lost as a result of conversion of public parking areas to public park uses, shall be replaced on a 0.5:1 basis, either on-site or elsewhere in the Marina."

As noted, the Applicant is providing substantial, suitable compensatory open space, park and recreational boating mitigation for the proposed conversion of Parcel FF from an underutilized public parking lot to residential use--i.e., through development of a public/"transient" boat anchorage alongside the Parcel 9U bulkhead and contributing 50% of the cost of developing a public wetland park over the southerly portion of the Parcel 9U bulkhead.

Attachment

**Marina del Rey Parcel FF: Neptune Marina Apartments
Burden of Proof Statements for Coastal Development Permit
Legacy Partners Neptune Marina, LLC (Applicant)**

As outlined in detail in the LCP Amendment Burden of Proof statement provided with this application, the Applicant is requesting an LCP amendment to authorize the Applicant, prior to issuance of the project building permit, to deposit funds into County-administered "Coastal Improvement Fund" in an amount sufficient to fund the County's construction of 103 replacement public parking spaces (which are required pursuant to R&V-S Policy 12 above) at Marina Parcel GR, located on Panay Way proximate to Mother's/Marina Beach, or such other Marina location designated by the County. This LCP amendment would further allow the Applicant to occupy the Parcel FF apartment building prior to the County's future construction of said 103 replacement public parking spaces elsewhere in the Marina.

An amendment is necessary in this case to vary from the requirements of Specific Plan Sections 22.46.1250.4 and 22.46.1330.4, which state: "Other existing recreation, visitor-serving and marine commercial facilities not shown on LUP Map 6 [i.e., public parking spaces at Parcel FF] may be relocated in conjunction with development as long as the use [i.e., public parking] is replaced within the Marina before the development which displaces it may commence [i.e., occupancy of the apartment building]." With approval of this LCP amendment, the applicant would be allowed to occupy the Parcel FF apartment building prior to the County's future construction of the 103 replacement parking spaces elsewhere in the Marina, while still providing full funding for the County's future construction of the replacement parking spaces.

As set forth in Section A.2 of the LUP and confirmed by the enclosed parking use survey for Parcel FF, the existing parking lot is underutilized by the public so deferring the construction of the replacement spaces will not result in a shortage of parking in the area. This was confirmed by the Coastal Commission staff in its Marina del Rey Periodic Review Staff Recommendation, dated July 20, 2006, in which staff states (at page 128):

[T]here are a few public parking lots that the County provides that are not located adjacent to key visitor attractions and may be underutilized due to their location. Parcels FF and OT are examples of such parking lots...The nearest key visitor-serving or recreational facilities [to Parcel FF] are Marina Beach and the North Jetty, both located over 1,000 feet from the parking lot. The closest recreational

Attachment

Marina del Rey Parcel FF: Neptune Marina Apartments Burden of Proof Statements for Coastal Development Permit Legacy Partners Neptune Marina, LLC (Applicant)

facility is the promenade, which runs along a portion of the parking lot. Although the promenade is a significant recreational facility, people generally access the promenade in other areas and do not rely on this parking lot.

For the past six months, over one-half of the Parcel FF parking lot has been fenced-off from public use and utilized as a construction staging area for a nearby apartment development. During this time, the County has not received any complaints from the public indicating that the use of the parking lot for construction staging purposes has created a deficiency of public parking in the area.

Recreational Boating ("RB"): LUP Chapter 3

- (RB Policy 1) (*Recreational boating is a top priority of the LCP*). The project fulfills this key policy through development of a public/transient boat anchorage abutting the Parcel 9U bulkhead. As noted, this public anchorage would comprise approximately 49,000 square feet or 1.12 waterside or submerged acres in the southwestern portion of Basin B, and would contain approximately 542 lineal feet of new public dock area (it is estimated that the public anchorage would provide berthing for between seven and 11 transient vessels, depending on the sizes of the vessels utilizing the anchorage at any given time, plus additional area for dingy docking at the north side of the anchorage).
- (RB Policy 3) (*Boating-related support facilities*). Project construction will be conditioned to commence in a manner that ensures as minimal an impact as possible to existing boater facilities in the vicinity of the site.

Marine Resources ("MR"): LUP Chapter 4

- (MR Policy 2) (*Reduce contaminated run-off into Marina waters*). This policy of the LUP requires that appropriate measures be taken to reduce contaminated runoff into the small craft harbor and Ballona Creek. The Applicant has completed a drainage concept, which will be approved by County Public Works prior to approval of the subject zoning application by the Regional Planning Commission. To avoid adverse impacts on the local Marina and greater ocean waters, the Applicant will be required to comply with National Pollution Discharge Elimination System requirements of the California Regional Water Quality Control Board, as well as all pertinent stormwater quality management programs of the Federal, State and County agencies.

Attachment

**Marina del Rey Parcel FF: Neptune Marina Apartments
Burden of Proof Statements for Coastal Development Permit
Legacy Partners Neptune Marina, LLC (Applicant)**

Cultural Heritage Resources ("CHR"): LUP Chapter 4

- (CHR Policy 1) Consistent with the Policy, the project will be reviewed during the environmental review/CEQA review process to determine potential impacts, if any, on cultural resources, and will be conditioned by the County Department of Regional Planning to appropriately mitigate any such potentially identified impacts in conformance with the requirements of the County and the State Office of Historic Preservation.
- (CHR Policy 2) Consistent with the Policy, in the event a significant cultural resource is found on-site during construction, it will be collected and maintained at the Los Angeles County Museum of Natural History, or other appropriate location as otherwise provided by state law.
- (CHR Policy 3) Consistent with the Policy, the Applicant will be conditioned to notify the County Department of Regional Planning and the State Historic Preservation Office in the event a significant cultural resource is discovered during any construction phase. A halt-work condition will be instituted in the event of such a cultural resource discovery during construction.

Land Use Plan ("LUP"): LUP Chapter 8

- (LUP Policy 1) *(Preservation of the small craft harbor as a recreational facility shall be a priority)*. The project advances this key policy through development of a public/"transient" boat anchorage along the Parcel 9U bulkhead. Moreover, project construction will be coordinated in a manner to ensure that the planned development will neither detract from nor, to the extent practically feasible, interfere with the use of existing boating facilities in the vicinity of the site, nor the ancillary uses which support these facilities.
- (LUP Policy 2) *(Maintenance of the physical and economic viability of the marina is a priority)*. The project achieves this objective through redeveloping the parcel, which is currently improved with an underutilized public parking lot, with residential use. This new development will help to ensure maintenance of the physical and economic viability of the marina. As described in detail herein and in the LCP Amendment Burden of Proof statement provided with this application, the Applicant will fully mitigate the project's potential impacts on Open Space/park resources via development of a

Attachment

Marina del Rey Parcel FF: Neptune Marina Apartments Burden of Proof Statements for Coastal Development Permit Legacy Partners Neptune Marina, LLC (Applicant)

public/transient boat anchorage adjoining the nearby Parcel 9U bulkhead and through contributing 50% of the cost of developing a public wetland park on the southerly 1.46 acres of Parcel 9U.

- (LUP Policy 6) (*Design Control Board*). The project has received conceptual design approval from the Marina del Rey Design Control Board, as prescribed in the LCP. This DCB's review included review for consistency with the *Manual for Specifications and Minimum Standards of Architectural Treatment and Construction* and applicable policies of the certified LCP.
- (LUP Policy 8) (*Land Use Consistency*). As proposed in this application and outlined herein, the proposed project meets all applicable policies and development standards of the certified LCP, including, but not limited to, adequate parking, view corridors, public access to the shoreline, provision of new usable public recreation and open space (waterfront public pedestrian promenade, public boat anchorage, and public wetland park), meeting requirements for adequate traffic capacity and provisions for affordable housing consistent with the County's Affordable Housing Policy for Marina del Rey and Government Code Section 66590, et seq. ("Mello Act").
- (LUP Policy 10) (*Affordable housing is encouraged*). The residential project will be conditioned by the County to comply fully with the County's Affordable Housing Policy for Marina del Rey and, by extension, Government Code Section 66590, et seq. (Mello Act).

Coastal Visual Resources ("CVR"): LUP Chapter 9

- (CVR Policy 1) (*Views of the Harbor a Priority*). The project achieves this objective through provision of LCP-compliant view corridors across the parcel ("through" the project) from adjacent public streets to Marina Basin C. Public viewing of the harbor will be further enhanced through the project's development of a 28-foot-wide public pedestrian promenade along the parcel's entire water frontage. *100% of the property's water frontage will be made available for public viewing of the waterfront. The most valuable, visible, desirable area of the site—the waterfront—will be fully enhanced for public use.*
- (CVR Policy 2) (*Signage*). Consistent with this policy, project signage will be in keeping with the character of the neighborhood and will be

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Marina del Rey Parcel FF: Neptune Marina Apartments Burden of Proof Statements for Coastal Development Permit Legacy Partners Neptune Marina, LLC (Applicant)

subject to review and approval by the Regional Planning Commission and the Marina Design Control Board.

- (CVR Policy 4) (*Design Control Board Review*). Consistent with this policy, the DCB has reviewed and conceptually approved this development proposal for consistency with the policies and objectives of the LCP.
- (CVR Policy 6) (*View protection*). Consistent with this policy, the project incorporates harbor views from streets and pedestrian access ways consistent with security and safety considerations. As noted, the project provides view corridors from public streets to the Marina waters consistent with LCP requirements.
- (CVR Policies 7&8) (*Building height standards*). The project complies with the building height design concept stipulated for the "Height Category 3" designation being proposed by the Applicant.
- (CVR Policy 9) (*Wind*). Consistent with LCP requirements, a wind study has been prepared for the project by a licensed engineering firm (RWDI, Inc.), which concludes that the project will not result in significant wind impacts to sailing vessels or birds.
- (CVR Policy 13) (*Landscaped viewing area provided along promenade*). Consistent with this LCP policy, an 8-foot-wide landscaped pedestrian viewing area will be provided along the parcel bulkhead seaward of the 20-foot-wide dual purpose pedestrian promenade/fire access road.

Hazards Chapter: LUP Chapter 10

- (Hazards Policy 1) (*Flood and Drainage review*). Consistent with this policy, the Applicant will submit flood control, runoff and storm drain plans to the County Department of Public Works for review and approval prior to commencement of construction, consistent with the Santa Monica Bay Recovery Plan.
- (Hazards Policy 2) (*Geotechnical review*). The Applicant has submitted a preliminary geotechnical report to County Department of Public Works as part of its application filing, the content of which is compliant with LCP requirements; site development will be based on thorough site-

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Marina del Rey Parcel FF: Neptune Marina Apartments Burden of Proof Statements for Coastal Development Permit Legacy Partners Neptune Marina, LLC (Applicant)

specific geologic and soils studies, including specific geotechnical studies related to mitigation of liquefaction and lateral spreading.

- **(Hazards Policy 3) (*Earthquake engineering*)**. Consistent with this policy, the project will utilize earthquake resistant construction and engineering practices, in full compliance with applicable County and state regulations and ordinances. Preliminary engineering mitigation and planned structural setbacks for the project have been designed for a bedrock acceleration of no less than 0.5g and high potential for liquefaction.

Circulation (“CIR”): LUP Chapter 11

The policies of this chapter of the LUP detail appropriate circulation improvements that must be completed in order to mitigate traffic impacts of all potential development in the Marina. This LUP chapter also establishes traffic mitigation fees (“Category 1 and 3”) that must be paid for all new development based on the increase in p.m. peak hour trips generated by the project.

- **(CIR Policy 1) (*Internal Transportation Improvements*)**. Consistent with the policy, the traffic report prepared for the project concludes that the planned development will not exceed the capacity of the internal Marina del Rey street system. The report further finds that project traffic impacts can be appropriately mitigated through Applicant’s payment of the LCP-prescribed “PM Peak Hour” traffic mitigation fee; in turn, the County will utilize collected traffic mitigation fees to fund construction of “Category 1” (“System-wide”) transportation improvements intended to mitigate traffic impacts internal to the Marina’s local street network.
- **(CIR Policy 3) (*Sub-regional Transportation Improvements*)**. As outlined in the project traffic study, the Applicant will also make its fair share contribution, though payment of the prescribed traffic mitigation fee, to help fund construction of “Category 3” (“Sub-regional”) transportation improvements, which are prescribed in the LCP. Category 3 funds will be utilized by the County, in consultation with appropriate agencies, to help fund construction of sub-regional transportation improvements intended to insure that this project and other Phase 2 developments do not exceed the capacity of the sub-regional street system.
- **(CIR Policy 4d) (*Category 1 Improvement Phasing*)**. The project will be conditioned to ensure that the Applicant constructs any County-identified Category 1 traffic improvements which may be required for the project

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Marina del Rey Parcel FF: Neptune Marina Apartments Burden of Proof Statements for Coastal Development Permit Legacy Partners Neptune Marina, LLC (Applicant)

in strict conformance with County Department of Public Works' Marina del Rey Category 1 traffic improvement phasing schedules and procedures.

- (CIR Policy 4e) Consistent with this policy, vehicle trips generated by this development, in combination with all trips generated by previously approved Phase 2 projects, will not exceed 50% of the total anticipated additional external trips to be generated by new or intensified Marina del Rey development.

Public Works ("PW"): LUP Chapter 12

- (PW Policy 2) (*Public Works improvements phasing*). Necessary public works facilities/infrastructure will be provided for the project before a Certificate of Occupancy is obtained from the County by the Applicant for the project.

Water and Sewer Services

- (PW Policy 3) Consistent with this policy, the project will not be approved by the County unless the developer is able to provide proof of available water and sewerage facilities and capacity.
- (PW Policy 4) Consistent with this policy, if existing water or sewer capacities and/or facilities are inadequate to service the project, then the Applicant will be required to increase and/or improve such capacities and/or facilities to a level acceptable to County Public Works during construction of the project.
- (PW Policy 5) Consistent with this policy, the project will be conditioned to assure that installation of any new water or sewer lines is accomplished in an environmentally sensitive manner.
- (PW Policy 6) Consistent with this policy, the project will be conditioned to incorporate water-conserving technology consistent with local, state and/or federal regulations affecting same. County Public Works will review the project plans and will assure that water conservation measures and techniques are incorporated.

Fire and Emergency Services

- (PW Policy 8) Consistent with this policy, the project provides a minimum 20-foot-wide fire lane (dual-use promenade/fire lane) along the

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waterside portion of the project. All fire access lanes in the project will be designed to maintain unimpeded access, clear to sky, with no benches, planters or fixed objects.

- (PW Policy 9) Consistent with this policy, the project includes a dual-use public pedestrian promenade/fire lane along the parcel bulkhead (i.e., dual promenade/fire access lane.
- (PW Policy 10) Consistent with this policy, the project will be fully sprinklered in conformance with Fire Department requirements.
- (PW Policy 11) Consistent with this policy, the project will be subject to review and approval by the County Fire Department for fire emergency access requirements prior to issuance of building permits. The developer will receive approval of a "Fire Safety & Evacuation Plan" prior to approval of the project CDP by Regional Planning, in conformance with Specific Plan requirements.

[Note: The policies of LUP Chapters 13 "Diking, Dredging, Filling & Shoreline Structures" and 14 "Industrial Development & Energy Facilities" are not applicable to this project.]

2. *That any development, located between the nearest public road and the sea or shoreline of any body of water located within the coastal zone, is in conformity with the public access and public recreation policies of Chapter 3 of Division 20 of the Public Resources Code:*

(Applicable Coastal Act Sections below)

COASTAL ACT PUBLIC ACCESS POLICIES

CA Coastal Act ("CCA") Section 30210:

"In carrying out the requirements of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of property owners, and natural resource areas from overuse."

The proposed project fully complies with CCA Section 30210, as set forth in detail in Applicant's responses above addressing project consistency with the Policies

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contained in LUP Chapters 1-3 & 9 ("Shoreline Access," "Recreation & Visitor-Serving Facilities," "Recreational Boating" and "Coastal Visual Resources"), and as further described in the Applicant's LCP Amendment Burden of Proof statement accompanying this application (which describes in detail Applicant's major public access, public boating and public recreational improvements being made as part of this application at and adjoining nearby Parcel 9U, through Applicant's development of a public boat anchorage and Applicant's major contribution toward development of public wetland park on the southerly 1.46 acres of Parcel 9U).

CCA Section 30211:

"Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rock coastal beaches to the first line of terrestrial vegetation."

As detailed in Applicant's responses above addressing project consistency with the Shoreline Access, Recreational Boating and Coastal Visual Resources policies of the LUP (LUP Chapters 1, 3 and 9), and as further described in the Applicant's LCP Amendment Burden of Proof statement accompanying this application, the project does not interfere with, but, rather, enhances the public's right of access to the Marina waters.

CCA Section 30212(a):

"Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects..."

The project complies with this CCA section, as detailed in the Applicant's responses above concerning SA Policy 1, SA Policy 4 and CVR Policy 6.

CCA Section 30213:

"Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred..."

As detailed in the Applicant's responses above, the project complies with this CCA section by providing enhanced public recreational opportunities through development of a 28-foot-wide public pedestrian promenade (with landscaping, seating and lighting facilities) along the parcel's entire water frontage. As further outlined previously herein and in the Applicant's General Plan Amendment Burden of Proof statement accompanying this application, the project provides substantial lower-cost visitor and recreational facilities--i.e., public waterfront promenade on

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**Marina del Rey Parcel FF: Neptune Marina Apartments
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Parcel FF and public boat anchorage and major contribution toward development of a public wetland park on nearby Parcel 9U.

COASTAL ACT RECREATION POLICIES

CCA Section 30220:

“Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.”

The proposed project complies with this CCA section through the proposed development of an ADA and CA DB&W-compliant public/“transient” boat anchorage adjoining the parcel 9U bulkhead.

CCA Section 30221:

“Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.”

As outlined in the LUP consistency responses above, the proposed project complies with this CCA section by substantially enhancing and improving public recreational uses of the site over existing conditions through provision of a new public waterfront promenade, installation of public access signage on the site, and through the planned replacement of the aging marina facilities with a contemporary marina satisfying today’s ADA and CA DB&W requirements and standards. The project further advances this policy through development of a public boat anchorage alongside the Parcel 9U bulkhead, and through facilitating the development of a public wetland park over the southerly portion of Parcel 9U.

CCA Section 30224:

“Increased recreational boating use of coastal waters shall be encouraged, in accordance with this division, by developing dry storage areas, increasing public launching facilities, providing additional berthing space in existing harbors, limiting non-water-dependent land uses that congest access corridors and preclude boating support facilities, providing harbors of refuge, and by providing for new boating facilities in natural harbors, new protected water areas, and in areas dredged from dry land.”

As set forth in the Applicant’s responses to the Recreational Boating policies of the LUP (“RB” policy responses above) and in Applicant’s LCP Amendment Burden of Proof statement, the project satisfies this CCA policy through its development of a

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public/“transient” boat anchorage alongside the Parcel 9U bulkhead.

ATTACHMENT C

Attachment C

**Marina del Rey Parcel FF: Neptune Marina Apartments & Anchorage
Burden of Proof Statements for Conditional Use Permit
Legacy Partners Neptune Marina, LLC (Applicant)**

This exhibit has been prepared pursuant to Section 22.56.040 of the Los Angeles County Code (LACC), which contains the requisite findings for approval of a conditional use permit in unincorporated Los Angeles County. Each required finding is listed below in italicized, bolded font. The applicant's description of how the proposed development project satisfies each finding follows in normal font.

Description of Conditional Use Permit Requests:

- Per LACC 22.46.1240.A & 22.46.130.A, to authorize:
 - (1) a "grading project, off-site transport" (involving off-site transport in excess of 100,000 cubic yards of earth, as defined in LACC 22.08.070.G); and
 - (2) a "grading project, on-site" (as defined in LACC 22.08.070.G).

Note: Actual site grading on Parcel FF will be less than 100,000 cubic yards (i.e., 35,000 cubic yards); however, applicant may pull one grading permit for apartment projects proposed for Parcel FF and Parcel 10R, and such combined grading permit would exceed 100,000 cubic yards of grading (if pulled as one grading permit, combined grading quantity for Parcels FF & 10R would be 165,000 cubic yards).

Required Findings for the Project Conditional Use Permit:

A. That the requested use at the location will not:

- 1. Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area.**

With respect to the Applicant's CUP request pertaining to parking for boater-related uses:

As required, the Applicant has submitted a haul route map with this application showing the route that will be followed by trucks hauling cut earth from the site to the deposition location (La Puente Landfill). In its conditioned approval for this request, County Regional Planning will impose conditions (e.g., regulating hours of hauling operations, mitigation measures for dust control, noise, etc.) which will insure the proposed on-site grading and off-site export/hauling operations are conducted in a manner that will protect the health,

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Marina del Rey Parcel FF: Neptune Marina Apartments & Anchorage Burden of Proof Statements for Conditional Use Permit Legacy Partners Neptune Marina, LLC (Applicant)

welfare, comfort and peace of persons living and working in the project vicinity. Additional protective measures will be imposed by the County Division of Building & Safety through the numerous conditions of the project grading permit.

2. Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site.

Again, in its conditioned approval for this permit request, County Regional Planning will impose conditions (e.g., regulating hours of hauling operations, mitigation measures for dust control, noise, etc.) which will insure the proposed on-site grading and off-site export/hauling operations are conducted in a manner that will not be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site. Additional protective measures will be imposed by the County Division of Building & Safety through the numerous conditions of the project grading permit.

3. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.

Again, in its conditioned approval for this permit request, County Regional Planning will impose conditions (e.g., regulating hours of hauling operations, mitigation measures for dust control, noise, etc.) to ensure the proposed on-site grading and off-site export/hauling operations do not serve to jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare. Additional protective measures will be imposed by the County Division of Building & Safety through the numerous conditions of the project grading permit.

B. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.

As depicted on the project site plan submitted with the application, and as detailed in the project EIR and Applicant's Burden of Proof statement for the project Coastal Development Permit, the subject Parcel FF is of sufficient size and shape to accommodate the parking, yards, walls, fences and loading facilities, landscaping and other development features prescribed in the County Zoning Code, or as is otherwise required in order to integrate the proposed uses

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**Marina del Rey Parcel FF: Neptune Marina Apartments & Anchorage
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with the uses in the surrounding area.

C. *That the proposed site is adequately served:*

- 1. *By highways or streets of sufficient width, and improved as necessary to carry the kind and quantity of traffic such use would generate.***

As described in detail in the project traffic study, access to the project will be provided via Marquesas Way and Via Marina, which are fully-improved public streets. As confirmed in the project traffic report, Marquesas Way and Via Marina are of sufficient width necessary to carry the kind and quantity of traffic that will be generated by the project.

- 2. *By other public or private service facilities as are required.***

As described in detail in the project EIR, the project will be adequately served by public fire, law enforcement, utility and/or other public services, as required.

ATTACHMENT D

Attachment

Marina del Rey Parcel FF: Neptune Marina Apartments Burden of Proof Statements for Local Coastal Program Amendment Request Legacy Partners Neptune Marina, LLC (Applicant)

This exhibit has been prepared pursuant to Section 22.16.070 of the Los Angeles County Code (LACC), which contains the requisite findings for approval of a Local Coastal Program amendment in unincorporated Los Angeles County. Each required finding is listed below in italicized, bolded font. The applicant's description of how the proposed development project satisfies each finding follows in normal font.

The reader should bear in mind that the terminology used in the interrogatories is a formal County format. This format is designed for a General Plan Amendment. No specific format exists for an amendment to a Local Coastal Program. No General Plan Amendment is necessary for this project. However, the interrogatories provide a useful template for a justification of the project in the Local Coastal Program context as well. For the purposes of this document, whenever the term "General Plan Amendment" or "Plan Amendment" is used in the interrogatories, it is intended to mean Local Coastal Program Amendment.

Following the recital of justifications for the County's amendment process, a justification will be offered to demonstrate that the proposed Local Coastal Program amendment will not materially affect advantages gained under the LCP as certified, and in fact will add to Coastal Act compliance beyond that provided by the current LCP.

Description of Requested Local Coastal Program Amendments:

The Applicant is requesting amendments to the Land Use Map of the Marina del Rey Specific Plan and the Land Use Policy Map of the Marina del Rey Land Use Plan ("LUP"), and related text, to:

(1) Authorize the transfer of 14 development units from the abutting Development Zone-2 (Tahiti Development Zone) and 112 potential development units from the proximate Development Zone-1 (Bora Bora Development Zone) into the subject Development Zone-3 (Marquesas Development Zone).

Parcel FF is located in LCP Development Zone 3 (Marquesas). With approval of Applicant's separate apartment project application for Marina Parcel 10R (located across Marquesas Way from the subject Parcel FF), Development Zone 3 will contain no additional dwelling unit entitlement credits. Therefore, this LCP amendment is needed to authorize the transfer of 14 excess dwelling unit credits from the abutting Development Zone-2 (Tahiti Development Zone) and 112 excess development unit credits from the proximate Development Zone-1 (Bora Bora Development Zone) into the subject Development Zone 3, which will facilitate development of the project. With approval of this development unit transfer, there will be sufficient dwelling unit credits within the subject DZ 3 to accommodate the planned development of 126 rental dwelling units on Parcel FF.

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There is a clear precedent for such inter-development zone transfers on the western side of Marina del Rey; reference Goldrich & Kest Industries' LCP amendment approval at Marina Parcel 20, certified by the California Coastal Commission, which authorized the transfer of 97 development units from the Bora Bora DZ into the Panay DZ (see County Project No. 98-172-4). As with the Parcel 20 LCP amendment, a traffic analysis has been prepared which has determined that the traffic and circulation impacts of the proposed inter-development zone transfer of excess development units are insignificant;

(2) Change the land use designation on County Parcel FF from "Open Space" to "Residential V" (1.38-acre "non-mole" portion) and "Residential III" (0.67-acre "mole" portion). As outlined in detail below and in the Project DEIR, the Applicant will provide 50% funding for development of a public wetland park on the southerly portion of Parcel 9U and will fund 100% of the cost of developing a public/"transient" boat anchorage adjacent to the Parcel 9U bulkhead. These substantial public park and public boating facility improvements are being proposed by the Applicant as compensatory mitigation for its proposed conversion of Parcel FF from its current "Open Space" land use designation per the Marina del Rey Local Coastal Program to "Residential V" and "Residential III," in conjunction with the Applicant's development the subject 126-unit apartment building on Parcel FF. (The Applicant will request authorization for construction of the public boat anchorage abutting the Parcel 9U bulkhead under separate Coastal Development Permit application to the California Coastal Commission; concurrently with this application, the Applicant has filed a "Coastal Approval in Concept" application with County Regional Planning for conceptual approval of the public anchorage construction plan.);

(3) Change the Height Category on Parcel FF from "Height Category 1" to "Height Category 3." Approval of this request would change the LCP height designation for Parcel FF from Height Category 1 (maximum building height of 25 feet) to Height Category 3, which allows for 45-foot building heights when a 20% view corridor is provided, ranging to 75 feet maximum when a 40% view corridor is provided. Height Category 3 permits building height above 45 feet at the ratio of 1.5 feet in height for every one percent view corridor exceeding the 20 percent (see LACC 22.46.1060.5.c). The proposed 55-foot building height (exclusive of typical rooftop appendages) would be consistent with the proposed Height Category 3 designation because the Applicant is providing a view corridor comprising 26.7% of the parcel's water frontage. Adjacent and nearby apartment projects on Marquesas Way and along the County unincorporated portion of Via Marina are developed with similar building height and massing, so the Applicant's request for a 55-foot-tall apartment building on Parcel FF is entirely consistent with and complementary to the established development pattern of the neighborhood;

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(4) Prior to issuance of project building permit, allow the Applicant to deposit funds into County-administered "Coastal Improvement Fund," in an amount sufficient to fund the County's construction of 103 replacement public parking spaces at Marina Parcel GR, located on Panay Way proximate to Mother's/Marina Beach, or such other location designated by the County. Further allow the Applicant to occupy project apartment building prior to the County's future construction of said 103 replacement public parking spaces at Parcel GR or such other location. An amendment is necessary in this case to vary from the requirements of Specific Plan Sections 22.46.1250.4 and 22.46.1330.4, which state: "Other existing recreation, visitor-serving and marine commercial facilities not shown on LUP Map 6 [i.e., public parking spaces at Parcel FF] may be relocated in conjunction with development as long as the use [i.e., public parking] is replaced within the Marina before the development which displaces it may commence [i.e., occupancy of the apartment building]." With approval of this LCP amendment, the Applicant would be allowed to occupy the Parcel FF apartment building prior to the County's future construction of the 103 replacement parking spaces elsewhere in the Marina, while still providing full funding for the County's future construction of the replacement parking spaces. As set forth below, the existing parking lot at Parcel FF is underutilized by the public, so deferring the construction of the replacement parking spaces will not result in a shortage of public parking in the area; and

(5) "Blend" residential densities over Parcel FF without respect to the 35 dwelling units/acre and 75 dwelling units/acre density development standards prescribed in the MDR LCP for the proposed R-III and R-V land use categories. Total site density will not exceed the LCP-prescribed 126 dwelling units for Parcel FF, but the units will be more evenly distributed between the R-V (non-mole portion) and R-III (mole portion) designated areas of the parcel, allowing for a more uniform and attractive building massing scheme and development. As noted, adjacent and nearby apartment projects on Marquesas Way and along the County unincorporated portion of Via Marina are developed with similar building height and massing, so the Applicant's request in this regard is entirely consistent with and complementary to the established development pattern of the neighborhood.

County of Los Angeles Housing Shortage:

The Board of Supervisors of the County of Los Angeles has acknowledged that the unincorporated County suffers from a lack of housing stock, and that the County's housing supply shortage is projected to worsen over the coming years. The production of new housing within the unincorporated County is made more difficult by the lack of suitable sites within urbanized portions of the unincorporated County upon which to construct new housing. This issue is addressed in the County's 2001 General Plan Housing Element:

Los Angeles County is now a mature jurisdiction, with many of the communities essentially built-out, meaning there is little or no vacant land

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remaining for development of any kind. In 1991, both the city of Calabasas and the city of Malibu incorporated, further diminishing the stock of unincorporated area land....In addition, this supply of 'developable' land is often distant from employment centers... (Housing Element, Ch. 2, Pg. 3-4).

Although the unincorporated areas of the County experienced a 7% increase in population between the 1990 and 2000 censuses, the number of housing units available within unincorporated areas actually decreased at a rate of 2.1 percent over this period, from 296,780 housing units in 1990 to 290,663 units in 2000 (Housing Element, Ch. 3, Pg. 24).

The housing crisis in unincorporated Los Angeles County is brought into focus by the following passage from the County's Housing Element (Ch. 3, Pg. 25):

The housing stock shortage in the unincorporated area is evident, particularly when comparing the data from the 1990s to the 1980s. According to the last Housing Element, for the period between 1985 and 1988, the number of housing units increased 5.1 percent countywide. For the same time period, the number of housing units increased 6.8 percent in the unincorporated area. In contrast, between 1990 and 2000, the number of units countywide increased by 3.4 percent and actually decreased by 2.1 percent in the unincorporated areas.

Moreover, as of the 2001 Housing Element update, only approximately 20% of the existing unincorporated housing stock was of the multi-family housing type, whereas the Countywide average was 43%. Alternatively, single-family housing stock comprised 76% of the unincorporated County's housing stock, whereas the Countywide average for this type of housing was 55% (Housing Element, Ch. 3, Pg. 25, Exhibit 3-17). These data provide further evidence of a critical housing shortage in unincorporated areas of the County, particularly in the multi-family housing category.

Required Findings for the Project Plan Amendment:

A. A need for the proposed LCP Amendments exists because:

As described above, the County of Los Angeles is in dire need of new housing to meet current and future demand. To assist in meeting this demand, the County has a policy of encouraging the redevelopment of urban infill properties that are developed with underperforming or outdated land uses with new housing, in appropriate cases. In this instance, the subject Parcel FF is currently improved with a surface parking lot, which, due to its relatively distant location from recreational uses or visitor attractions in the Marina, has been and continues to be highly underutilized by the public. This fact was confirmed recently by the California Coastal Commission staff in its

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Marina del Rey Periodic Review Staff Recommendation, dated July 20, 2006, in which staff writes (at page 128):

[T]here are a few public parking lots that the County provides that are not located adjacent to key visitor attractions and may be underutilized due to their location. Parcels FF and OT are examples of such parking lots...The nearest key visitor-serving or recreational facilities [to Parcel FF] are Marina Beach and the North Jetty, both located over 1,000 feet from the parking lot. The closest recreational facility is the promenade, which runs along a portion of the parking lot. Although the promenade is a significant recreational facility, people generally access the promenade in other areas and do not rely on this parking lot.

The underutilization of the Parcel FF parking lot and the resulting contemplation for the parcel's conversion from parking to residential use is further confirmed on Page 2-5 of Chapter A.2 of the LUP (Recreation & Visitor-Serving Facilities), which states, under the "Potential Conversion of Public Parking Lots" subsection: "Lots FF and OT, both on the wet side of the Marina, are under utilized throughout most of the year. They are being contemplated for development as residential uses." This LUP finding is confirmed by the parking use survey for Parcel FF which was submitted by the Applicant as part of this application. Moreover, over one-half of the subject parking lot has, for the last six months, been fenced-off from public use and utilized as a construction staging area for a nearby apartment development. During this time, the County has not received any complaints from the public indicating that the use of the parking lot for construction staging purposes has created a deficiency of public parking in the area.

Approval of the requested LCP amendments is needed to facilitate the redevelopment of Parcel FF, as contemplated in the LCP, with a high-quality residential apartment development that will provide additional badly needed rental housing stock in the unincorporated portion of Los Angeles County. As outlined in detail in the Applicant's Burden of Proof statement for the project Coastal Development Permit (submitted with this application), in addition to providing needed housing, development of the proposed project will provide multiple substantial Coastal-oriented public benefits—public benefits which will not be realized without the project— including: Provision of a new 28-foot-wide public pedestrian promenade along the Parcel FF bulkhead; development of a public boat anchorage adjoining the Parcel 9U bulkhead (as further described below); and providing 50% of the funding for the development of a public wetland park on the southerly portion of Parcel 9U. Consistent with Policy 10 of the LUP's "Land Use Plan" Chapter, the project will also provide the additional public benefit of affordable housing, in conformance with the Mello Act and the County's adopted affordable housing policy for the Marina.

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Compensation for the Loss of the Open Space Designation in the LCP for Parcel FF

To account for the loss of "Open Space"-designated land that would occur as a result of the proposed LCP amendment reclassifying Parcel FF to a residential designation per the LCP, the Applicant proposes to provide at least 50% of the funding required to develop a restored public wetland and upland park of 1.46 acres on the southerly portion of Parcel 9U. The park will consist of a newly established "muted" tidal salt marsh in the center of the park, surrounded by a buffer of 25 feet from the restored wetland area toward both the proposed hotel/timeshare resort structure to the north (i.e., the "Woodfin Suites Hotel & Timeshare Resort") and Tahiti Way on the south. The muted tidal salt marsh will be approximately 0.47 acres in size, with the surrounding upland park and balance of facilities completing the 1.46-acre park.

The area outside of the actual salt marsh will be planted in appropriate native vegetation and shall serve as a public open space area for the enjoyment of wildlife and biological resources reminiscent of the way Marina del Rey existed before the harbor was built. Appropriate interpretive signage will be installed to enhance the public's visiting experience. A permeable turf block area, which will include natural vegetation at the northerly end of the park, will provide a sturdy space for group lectures, seating for visitors bringing lawn chairs for bird watching and maintenance/emergency vehicles.

To further account for the loss of potential future open space that would occur as a result of its development of Parcel FF with an apartment building, the Applicant will fund and develop (under separate application filed concurrently with this application) a public/"transient" boat anchorage to adjoin the Parcel 9U bulkhead. This anchorage would comprise approximately 49,000 square feet or 1.12 waterside or submerged acres in the southwestern portion of Basin B, and would contain approximately 542 lineal feet of new public dock area. It is estimated that the public anchorage would provide berthing for between seven and 11 transient vessels (depending on their size) and will also provide area for dingy berthing at the northerly end of the public anchorage. The new public boat and anchorage would be compliant with ADA and California Department of Boating & Waterways standards.

The combination of benefits to the public from these improvements (i.e., the restored wetland, upland park and public boat anchorage) represents a significant recreational boating, park/open space and environmental asset for the public, and is preferred by the County as mitigation for the loss of 2.048-acres of Open Space-designated land that would occur with approval of the Applicant's requested LCP amendment for Parcel FF. Moreover, the proposed location of a public park on Parcel 9U is superior to Parcel FF in that the Parcel 9U fronts a more heavily traveled street, Via Marina, and provides for greater water frontage for a park than one that could in the future have been built on Parcel FF.

Under recognized park planning principles, improvement costs can be equated to land in the following way. The Subdivision Map Act requires new development to foster the creation of new local parks. The requirement may be met by the contribution of land, the contribution of land and improvements, or payment of an in

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lieu fee. In this case, the County proposes to compensate for the loss of Parcel FF by a combination of land and improvements, which exceeds the equivalent of 2.048 (2.05) acres. The calculation is described below.

The amount of the credit is equal to the amount of the land plus the value of the park/recreation improvements. The cost of restoring the wetlands and making other improvements to the wetland park is estimated to be \$600,000, possibly including grading and other costs (although this will not be known until engineering plans are complete). As the Applicant is paying for only one-half of the improvements (the developer of the hotel/timeshare project on Parcel 9U is paying the other half), the Applicant's contribution to the cost of these improvements is \$300,000.

The \$300,000 is then added to the estimated value of the 542 lineal feet of proposed new dock space proposed for transient use waterside of Parcel 9U (\$603,000), yielding \$903,000. Next, this figure is divided by the value of an acre of parkland in the area in which the project is located, which at this time is \$335,000 based on information from the County Department of Parks and Recreation for the West Los Angeles Parks Planning Area. Therefore, the improvement cost alone represents approximately 2.70 acres of credit (i.e., $\$903,000 / \$335,000 = 2.70$ acres of credit), which larger than the amount of designated Open Space on Parcel FF.

In addition to the cost of these improvements, the credit must necessarily include the area of the actual land of the wetland park. The total wetland park area is 1.46 acres.

The LPC in no way prohibits counting park land beneath the view corridor within the wetland park toward the compensation for the loss of the designated FF open space. The view corridor requirements of the Marina del Rey Specific Plan only require that such corridors maintain an unobstructed view of the bulkhead edge, masts and horizon to pedestrians and passing motorists. Thus, it is the air space above the land that falls within the view corridor and not the land itself. Thus, parking lots are expressly allowed beneath such corridors, provided that the required views are maintained. If a project can satisfy parking requirements beneath a view corridor, it is clear that replacement open space requirements can also be met.

The Marina del Rey Specific Plan requires that new residential development provide compensatory recreational facilities to offset use of existing Marina Park and recreational facilities. Not surprisingly, the Specific Plan expressly provides mitigation credit for public park land. It also provides credit for those portions of public view corridors not designate for public access. Thus, the Specific Plan expressly allows view corridors to satisfy more than one regulatory requirement.

In addition, is common under CEQA for a single mitigation measure to address more than one impact. For example, a traffic demand management plan can reduce vehicle trips, parking demand, mobile emissions and mobile noise impacts. Similarly, the wetland park and view corridor above it can address potential project impacts with respect to wetlands, open space, public recreation, and compatibility with

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**Marina del Rey Parcel FF: Neptune Marina Apartments
Burden of Proof Statements for Local Coastal Program Amendment Request
Legacy Partners Neptune Marina, LLC (Applicant)**

land use plans.

Including the area within the view corridor, the total credit for the land and improvements is 4.16 acres (1.46 acres of land + 2.7 acres of credit for the improvements = 4.16 acres). Even conservatively excluding the park land within the view corridor, the total amount of credit for the land and improvements is 3.16 acres (0.46 acres of land + 2.7 acres of credit for the improvements = 3.16 acres). In either case, the amount of the credit far exceeds the 2.048 acres of Open Space on Parcel FF.

It should be noted that no water area (for the transient docks) is used in the above calculation, although the cost of constructing the docks is included due to the high value of the transient docks as a maritime dimension to the park, as well as the clear priority in the LCP to create additional boat slips.

B. The particular amendment proposed is appropriate and proper because:

The requested LCP amendments are appropriate in order to facilitate development of the proposed multi-family residential project and the related substantial coastal-oriented public benefits outlined above. As noted, the proposed project responds directly to the County's need for new multi-family housing stock (a need that is called for in the "West Cities" portion of the unincorporated area, where the property is located). Approval of the requested LCP amendments is proper because it will facilitate development of a residential project that will be fully consistent with the certified LCP (as proposed for amendment pursuant to this application). The proposed project is also fully compatible with surrounding land uses and will only serve to complement and enhance existing residential uses in the neighborhood. Approval of the proposed LCP amendments is also proper in that it will facilitate redevelopment of an underutilized surface parking lot with new well-designed, high-quality apartment residences, including affordable housing units.

As noted, the project will convey multiple coastal-oriented benefits to the public, which would not otherwise be provided, including a 28-foot-wide waterfront promenade along the entire parcel frontage; development of a public/"transient" boat anchorage alongside the Parcel 9U bulkhead; and 50% of the funding for the development of a public wetland park on the southerly 1.46 acres of Parcel 9U. Moreover, the proposed LCP amendments are appropriate in that they will provide for the Applicant's enhancement to the neighborhood aesthetic through its replacement of an underutilized surface parking lot with a fully improved waterfront pedestrian promenade, attractive apartments and lush landscaping.

C. Modified conditions warrant a revision to the LCP because:

As described above and as confirmed in the Parcel FF parking use survey provided with this application, the existing surface parking lot on Parcel FF has been and will continue to be highly underutilized by the public. Recognizing that the parcel's surface parking function had become outdated (by virtue of the parking lot's underutilization by the public), the County, in 1998, released a Request for Proposals

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**Marina del Rey Parcel FF: Neptune Marina Apartments
Burden of Proof Statements for Local Coastal Program Amendment Request
Legacy Partners Neptune Marina, LLC (Applicant)**

("RFP") calling for developers to submit proposals for the redevelopment of this parcel with a multiple-family residential project. The Applicant was the successful bidder and was thus awarded the County RFP for redevelopment of the parcel.

Providing for the redevelopment of the parcel with high-quality apartments will convert the parcel to a much more productive use than its existing underutilized surface parking function, especially in light of the substantial coastal-oriented benefits that will be conveyed to the public as a result of the planned development: i.e., among others, a fully improved public pedestrian promenade along the entire water frontage of the parcel; development of a new public/"transient" boat anchorage alongside the Parcel 9U bulkhead; and development of a public wetland park on the southerly 1.46 acres of Parcel 9U. These high-quality coastal-oriented uses would otherwise not be developed without the project. In addition to the aforementioned coastal-oriented public benefits, development of the site with a high-quality residential project will provide new housing opportunities to County residents in the highly-constrained coastal area of the west Los Angeles region (including affordable housing, consistent with County policy); will serve to protect adjacent uses while generating additional property tax and ground rent revenues for the County, which revenues will be used by the County to assist in funding vital social services; and will result in an improvement of neighborhood aesthetics and safety through the replacement of underutilized surface parking with attractive apartments, landscaping and a 28-foot-wide public pedestrian promenade along the parcel's entire water frontage.

D. Approval of the proposed General Plan Amendment will be in the interest of public health, safety and general welfare and in conformance with good planning practices because:

The County's approval of the Applicant's requested LCP amendments would be consistent with good planning practices and would also serve the public health, safety and general welfare in a number of ways. First, as noted, the project will result in the production of badly needed multi-family housing, including much needed affordable housing, in the West Cities portion of the unincorporated County. This directly implements numerous County General Plan policies and State policies calling for the production of new housing (both market rate and affordable) in unincorporated areas of the County, and is thus consistent with good planning practice and sound social policy.

As noted, the subject property is currently developed with an underutilized public parking lot. The project advances the County's policy of facilitating the redevelopment of urban infill properties that are developed with underperforming or outdated land uses with new housing, in appropriate cases.

The Applicant acknowledges it has a high burden of proof to meet in justifying the conversion of a public parking lot in the Coastal Zone to residential use. However, in specifying "Coastal Housing is not a Priority" in the Marina, Policy no. 8 of the LUP's Land Use Plan Chapter also acknowledges that "additional opportunities for

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**Marina del Rey Parcel FF: Neptune Marina Apartments
Burden of Proof Statements for Local Coastal Program Amendment Request
Legacy Partners Neptune Marina, LLC (Applicant)**

coastal housing may be provided, where appropriate.” For the reasons both articulated above and in the Applicant’s accompanying Burden of Proof statement for the project Coastal Development Permit, the Applicant joins the County of Los Angeles in asserting that Parcel FF represents an ideal, totally appropriate location for the proposed multi-family residential project, especially in light of the substantial coastal-oriented public benefits that will be conveyed through development of the project.

The public benefits which the project provides far outweigh the costs that will be borne by the public through development of the project, and the project is thus in the interest of the public health, safety and general welfare. As outlined in detail in this application, with development of the project:

- Public access to the shoreline is protected and substantially enhanced over existing conditions (i.e., through development of a 28-foot-wide public pedestrian promenade, provision of a public boat anchorage and public wetland park, and through maintenance and signing of public lateral access ways between streets and the bulkhead); and
- The public’s Coastal-oriented recreational opportunities are significantly enhanced through development of a new waterfront pedestrian promenade on Parcel FF and construction of a public wetland park on the southerly portion of Parcel 9U and public/“transient” boat anchorage adjacent to the Parcel 9U bulkhead; and
- Public views to the harbor are enhanced and/or protected consistent with LCP policies.

For these and other reasons articulated in the Applicant’s burden of proof statements for the project Coastal Development Permit, approval of the requested Local Coastal Program amendments will not materially affect advantages gained under the LCP as certified; rather, approval of the requested amendments will only add to Coastal Act compliance beyond that provided by the current LCP.

As noted, the proposed multi-family residential project will generate additional property tax and rental revenues for the County of Los Angeles, which, in turn, will contribute positively to the general welfare as those taxes and rental income are apportioned by the County to help fund its social programs. It will also include on-site affordable units in full compliance with the Mello Act and the County’s affordable housing policy for the Marina. The project, moreover, will enhance the aesthetics and safety of the neighborhood through the replacement of outdated surface parking with attractive apartments, lush landscaping and a public pedestrian waterfront promenade.

ATTACHMENT E

Attachment

Marina del Rey Parcel FF: Neptune Marina Apartments & Anchorage Burden of Proof Statements for Variance Legacy Partners Neptune Marina, LLC (Applicant)

monument signage would be allowed per the R-3 and R-4 Zone sign standards, whereas entry monument signage is a conventional and expected element of any new contemporary multi-family/apartment project of this size, scale and quality. Therefore, it is only equitable and appropriate that the subject project be entitled to a similar level of project signage as other multi-family properties in the unincorporated Marina del Rey within the same zone. (See photographs accompanying this application of signage for other apartment projects in the same unincorporated vicinity and zone as the subject property).

With respect to Applicant's variance request pertaining to reduced yard setback adjacent to public waterfront promenade:

There are special circumstances applicable to the property, including the LCP requirement for provision of public recreational space (i.e., 28-foot-wide waterfront pedestrian promenade) and the relatively narrow depth of the parcel, which justify the requested yard setback reduction variance. Moreover, existing development on adjoining parcels eliminates the development alternative of acquiring additional property or adjusting lot lines to create additional developable area to accommodate the 10-foot yard setback adjacent to the promenade.

A review of the site plan will show a series of design features required by the Marina del Rey Specific Plan that limit the area available to the footprint of the proposed apartment building, and the resulting necessity to vary from setback standards at the location of the waterfront promenade. These required design regulations include the 28-foot-wide waterfront public pedestrian promenade, building height limitations, view corridors between buildings and other specific requirements. The required yards and public promenade consume nearly one-third of the total parcel depth. The portion of land area available for the footprint of the building is greatly restricted by these requirements; therefore, the reduced yard setback is necessary to have adequate building floor area to provide the proposed units (including affordable housing units), while otherwise maintaining compliance with the LCP's development criteria and policies. The Regional Planning Commission reached this same conclusion in previously approving two identical promenade setback variances for waterfront apartment projects at Parcels 20 and 12 & 15 (see Variance Case Nos. 98-172-4 and 98-134-4, respectively). Moreover, the proposed site plan has received the conceptual approval of the Marina del Rey Design Control Board, which is a testament to the plan's appropriateness.

Attachment

**Marina del Rey Parcel FF: Neptune Marina Apartments & Anchorage
Burden of Proof Statements for Variance
Legacy Partners Neptune Marina, LLC (Applicant)**

2. ***That such variance is necessary for the preservation of a substantial property right of the applicant such as that possessed by owners of other property in the same vicinity and zone; and***

With respect to Applicant's variance request pertaining to excess project signage:

The requested variance for modification of R-3 Zone and R-4 Zone signage standards is necessary in order to preserve a substantial property right of the applicant possessed by lessees of other multi-residential properties in unincorporated Marina del Rey within the same vicinity and zone. This is because such other lessees of multi-residential properties in the same vicinity and zone as the subject property have been allowed to develop their parcels with signage that exceeds the standards prescribed for such in these properties' underlying zoning categories. In order for the subject project to compete with other apartment developments in the unincorporated vicinity in terms of on-site signage advertisement, it is only equitable and appropriate that the subject project be entitled to a similar level of project signage as these other apartment developments. (See photographs accompanying this application of signage for other apartment projects in the same unincorporated vicinity and zone as the subject property).

With respect to Applicant's variance request pertaining to reduced yard setback adjacent to public waterfront promenade:

The requested variance is necessary for the preservation of a substantial property right of the applicant such as that possessed by owners of other property in the same vicinity and zone inasmuch as the County's Regional Planning Commission has previously approved identical promenade-adjacent yard setback variances for two other Marina apartment projects located in the same zone and vicinity; see Variance Case Nos. 98-172-4 and 98-134-4.

3. ***That the granting of the variance will not be materially detrimental to the public welfare or be injurious to other property or improvements in the same vicinity and zone.***

With respect to Applicant's variance request pertaining to excess project signage:

To the contrary, approval of the requested variance will only serve to improve the public welfare by making it easier for visitors of residents of the project and goods deliverers to locate the apartments; in turn, this could lead to a reduction in local traffic congestion because these visitors to the apartments will easily be able to locate the development.

The Design Control Board ("DCB") of the Department of Beaches & Harbors is charged with regulating all signage in Marina del Rey through the

Attachment

Marina del Rey Parcel FF: Neptune Marina Apartments & Anchorage Burden of Proof Statements for Variance Legacy Partners Neptune Marina, LLC (Applicant)

application of standards set forth in the DCB's Revised Permanent Sign Controls and Regulations (which is a section of the Manual for Architectural Standards of the certified LCP). One can therefore be assured that any project signage subsequently approved by the DCB will be in conformance with applicable sign regulations and in concert with the community character in terms of design and quality. Approval of the requested variance will in no way be injurious to other property or improvements in the same zone and vicinity because the applicant is simply requesting to be able to develop project signage on-par in terms of quantity and size with other existing apartment projects in the unincorporated vicinity.

With respect to Applicant's variance request pertaining to reduced yard setback adjacent to public waterfront promenade:

The character of existing and planned development in this area is for multi-story waterfront residential apartments. The proposed Project at this location is consistent with this development concept; indeed, the apartment complex which will soon be constructed at the adjoining Parcel 15 was approved by the Regional Planning Commission (Case No. 98-134-4) with an identical promenade-adjacent yard setback variance, so development of this project, as proposed, would be entirely consistent with the local development pattern with respect to the waterfront public pedestrian promenade/apartment building relationship. For these reasons, the granting of the subject variance will not be detrimental to the public welfare or injurious to other property or improvements in the same zone and vicinity.

4. *That the requested use at the location proposed with not:*
1) adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area; 2) be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site; or 3) jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.

With respect to Applicant's variance request pertaining to excess project signage:

Approval of the Applicant's variance request for additional project identification signage will in no way: adversely affect the health, peace, comfort or welfare of the public; be detrimental to the use, enjoyment or valuation of property of other persons in the vicinity of the site; jeopardize, endanger or constitute a menace to the public health, safety or general welfare.

As outlined above, the County's sign ordinance is outdated and fails to appropriate address today's multi-family residential project needs regarding signage. As noted, the requested additional signage will ensure this project is

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Marina del Rey Parcel FF: Neptune Marina Apartments & Anchorage Burden of Proof Statements for Variance Legacy Partners Neptune Marina, LLC (Applicant)

afforded the same amount of signage enjoyed by the Marina's other various apartment projects. As also noted, approval of the requested variance will only serve to improve the public welfare by making it easier for visitors of residents of the project and goods deliverers to locate the apartments; this, in turn, could lead to a reduction in local traffic congestion because these visitors to the apartments will easily be able to locate the development. Finally, the DCB is charged with regulating all signage in Marina del Rey through the application of standards set forth in the DCB's Revised Permanent Sign Controls and Regulations (which is a section of the Manual for Architectural Standards of the certified LCP); therefore, one can be assured that any project signage subsequently approved by the DCB will be in conformance with applicable sign regulations and in concert with the community character in terms of design and quality.

Approval of the requested variance will in no way be injurious to other property or improvements in the same zone and vicinity because the applicant is simply requesting to be able to develop project signage on-par in terms of quantity and size with other existing apartment projects in the unincorporated vicinity.

With respect to Applicant's variance request pertaining to reduced yard setback adjacent to public waterfront promenade:

As noted, the character of existing and planned development in this area is for waterfront multi-story residential apartments. The proposed project at this location is consistent with this development concept; as noted, the apartment complex which will soon be constructed at the adjoining Parcel 15 was approved by the Regional Planning Commission (Case No. 98-134-4) with an identical promenade-adjacent yard setback variance, so development of this project, as proposed, would be entirely consistent with the local development pattern with respect to the waterfront public pedestrian promenade/apartment building relationship. For these and other reasons articulated above, the requested variance relating to the yard setback will in no way: adversely affect the health, peace, comfort or welfare of the public; be detrimental to the use, enjoyment or valuation of property of other persons in the vicinity of the site; jeopardize, endanger or constitute a menace to the public health, safety or general welfare.

- 5. *That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.***

As depicted on the project site plan submitted with the application, and as detailed in the project EIR and Applicant's Burden of Proof statement for the

Attachment

**Marina del Rey Parcel FF: Neptune Marina Apartments & Anchorage
Burden of Proof Statements for Variance
Legacy Partners Neptune Marina, LLC (Applicant)**

project Coastal Development Permit, the subject Parcel FF is of sufficient size and shape to accommodate the proposed signs, parking, yards, walls, fences and loading facilities, landscaping and other development features prescribed in the County Zoning Code, or as is otherwise required in order to integrate the proposed uses with the uses in the surrounding area.

- 6. That the proposed site is adequately served: 1) by highways or streets of sufficient width, and improved as necessary to carry the kind and quantity of traffic such use would generate; and 2) by other public or private service facilities as are required.***

As described in detail in the project traffic study, access to the project will be provided via Marquesas Way, which is a fully-improved public street. As confirmed in the project traffic report, Marquesas Way is of sufficient width necessary to carry the kind and quantity of traffic that will be generated by the project.

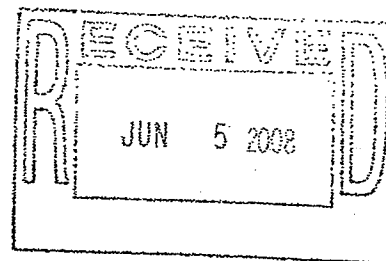
As described in detail in the project EIR, the project will be adequately served by public fire, law enforcement, utility and/or other public services, as required.

ATTACHMENT F

COUNTY OF LOS ANGELES



FIRE DEPARTMENT
1320 NORTH EASTERN AVENUE
LOS ANGELES, CALIFORNIA 90063-3294
(323) 890-4330



P. MICHAEL FREEMAN
FIRE CHIEF
FORESTER & FIRE WARDEN

June 2, 2008

Mr. Rick Kuo
Dept of Regional Planning
320 West Temple Street
Los Angeles, CA 90012

Dear Mr. Kuo:

**NOTICE OF PREPARATION, NEPTUNE MARINA APTS AND ANCHORAGE/WOODFIN SUITE
HOTEL AND TIMESHARE RESORT PROJECT, MARINA DEL REY, (FFER #200700077)**

The Notice of Preparation has been reviewed by the Planning Division, Land Development Unit, and Forestry Division of the County of Los Angeles Fire Department. The following are their comments:

PLANNING DIVISION:

Please see our enclosed letter of October 22, 2004, in response to a request for information for this project (reference #2107). The information provided in that letter is still correct.

FIRE PROTECTION AND EMERGENCY MEDICAL SERVICE AVAILABILITY

The Initial Study understates the distance to the nearest fire station. However, the response time is considered adequate, as noted in our previous letter.

In addition to the County of Los Angeles Fire Department's resources mentioned in the previous letter, some assistance would be available from the City of Los Angeles in the event of a structure fire in this area. Pursuant to the automatic aid agreement with the County, the City dispatches one engine company to a first alarm and one additional light force each to a second and third alarm. A light force consists of an engine and a truck responding as a unit.

SERVING THE UNINCORPORATED AREAS OF LOS ANGELES COUNTY AND THE CITIES OF:

AGOURA HILLS	BRADBURY	CUDAHY	HAWTHORNE	LA MIRADA	MALIBU	POMONA	SIGNAL HILL
ARTESIA	CALABASAS	DIAMOND BAR	HIDDEN HILLS	LA PUENTE	MAYWOOD	RANCHO PALOS VERDES	SOUTH EL MONTE
AZUSA	CARSON	DUARTE	HUNTINGTON PARK	LAKEWOOD	NORWALK	ROLLING HILLS	SOUTH GATE
BALDWIN PARK	CERRITOS	EL MONTE	INDUSTRY	LANCASTER	PALMDALE	ROLLING HILLS ESTATES	TEMPLE CITY
BELL	CLAREMONT	GARDENA	INGLEWOOD	LAWDALE	PALOS VERDES ESTATES	ROSEMEAD	WALNUT
BELL GARDENS	COMMERCE	GLEN DORA	IRWINDALE	LOMITA	PARAMOUNT	SAN DIMAS	WEST HOLLYWOOD
BELLFLOWER	COVINA	HAWAIIAN GARDENS	LA CANADA-FLINTRIDGE	LYNWOOD	PICO RIVERA	SANTA CLARITA	WESTLAKE VILLAGE
			LA HABRA				WHITTIER

PROJECT IMPACT ON SERVICES

1. The comments appearing under this heading in our previous letter remain valid.

LAND DEVELOPMENT UNIT: GENERAL REQUIREMENTS:

1. The proposed development may necessitate multiple ingress/egress access for the circulation of traffic, and emergency response issues.
2. The development of this project must comply with all applicable code and ordinance requirements for construction, access, water mains, fire flows and fire hydrants.
3. Every building constructed shall be accessible to Fire Department apparatus by way of access roadways, with an all-weather surface of not less than the prescribed width. The roadway shall be extended to within 150 feet of all portions of the exterior walls when measured by an unobstructed route around the exterior of the building.
4. Fire Department requirements for access, fire flows and hydrants are addressed during the building permit stage.
5. The County of Los Angeles Fire Department, Land Development Unit's comments are only general requirements. Specific fire and life safety requirements will be addressed at the building and fire plan check phase. There may be additional requirements during this time.

COMMERCIAL/HIGH DENSITY REQUIREMENTS:

6. Fire sprinkler systems are required in most commercial occupancies. For those occupancies not requiring fire sprinkler systems, it is strongly suggested that fire sprinkler systems be installed. This will reduce potential fire and life losses.
7. The development may require fire flows up to 5,000 gallons per minute at 20 pounds per square inch residual pressure for up to a five-hour duration. Final fire flows will be based on the size of buildings, its relationship to other structures, property lines, and types of construction used.
8. Fire hydrant spacing shall be 300 feet and shall meet the following requirements:
 - a. No portion of lot frontage shall be more than 200 feet via vehicular access from a public fire hydrant.
 - b. No portion of a building shall exceed 400 feet via vehicular access from a properly spaced public fire hydrant.

- c. Additional hydrants will be required if hydrant spacing exceeds specified distances.
 - d. When cul-de-sac depth exceeds 200 feet on a commercial street, hydrants shall be required at the corner and mid block.
 - e. A cul-de-sac shall not be more than 500 feet in length, when serving land zoned for commercial use.
9. Turning radii shall not be less than 32 feet. This measurement shall be determined at the centerline of the road. A Fire Department approved turning area shall be provided for all driveways exceeding 150 feet in length and at the end of all cul-de-sacs.
10. All on-site driveways/roadways shall provide a minimum unobstructed width of 28 feet, clear-to-sky. The on-site driveway is to be within 150 feet of all portions of the exterior walls of the first story of any building. The centerline of the access driveway shall be located parallel to, and within 30 feet of an exterior wall on one side of the proposed structure.
11. The 28-feet in width shall be increased to:
- a. 34 feet in width when parallel parking is allowed on one side of the access way.
 - b. 36 feet in width when parallel parking is allowed on both sides of the access way.
 - c. Any access way less than 34 feet in width shall be labeled "Fire Lane" on the final recording map, and final building plans.
 - d. For streets or driveways with parking restrictions: The entrance to the street/driveway and intermittent spacing distances of 150 feet shall be posted with Fire Department approved signs stating "NO PARKING - FIRE LANE" in three-inch high letters. Driveway labeling is necessary to ensure access for Fire Department use

MISCELLANEOUS:

12. Should any questions arise regarding subdivision, water systems, or access, please contact the County of Los Angeles Fire Department, Land Development Unit's EIR Specialist at (323) 890-4243.

FORESTRY DIVISION – OTHER ENVIRONMENTAL CONCERNS:

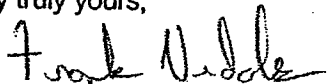
1. The statutory responsibilities of the County of Los Angeles Fire Department, Forestry Division include erosion control, watershed management, rare and endangered species, vegetation, fuel modification for Very High Fire Hazard Severity Zones or Fire Zone 4, archeological and

Mr. Rick Kuo
June 2, 2008
Page 4

cultural resources, and the County Oak Tree Ordinance. Potential impacts in these areas should be addressed in the Draft Environmental Impact Report.

If you have any additional questions, please contact this office at (323) 890-4330.

Very truly yours,

A handwritten signature in black ink, appearing to read "Frank Vidales". The signature is written in a cursive, flowing style.

FRANK VIDALES, ACTING CHIEF, FORESTRY DIVISION
PREVENTION SERVICES BUREAU

FV:lj

Enclosure

Planning
✓

(323) 890-4330

October 22, 2004

Ms. Julie Berger
Impact Sciences, Inc.
803 Camarillo Springs Road, Suite A1
Camarillo, CA 93012

Dear Ms. Berger:

DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE PROPOSED "NEPTUNE MARINA AND WOODFIN SUITE HOTEL PROJECT" - "MARINA DEL REY" (EIR #2107)

The Draft Environmental Impact Report for the aforementioned project has been reviewed by the Planning Division, Land Development Unit, and Forestry Division of the County of Los Angeles Fire Department. The following are their comments:

PLANNING DIVISION:

The jurisdictional station for these properties is Station 110, located at 4433 Admiralty Way, 1.2 miles (approximately 4.8 minutes) from Via Marina and Marquesas Way. It has a 3-person assessment engine, a 4-person truck, and a 2-person fireboat. A paramedic assessment engine is a fire company with some limited paramedic capabilities. The second closest station is Station 58, located at 5757 S. Fairfax Avenue in the Baldwin Hills. It is 6.4 miles distant (approximately 13.9 minutes). It has a 4-person engine and a 2-person paramedic squad. There are no planned upgrades to these stations.

The Fire Department uses response time guidelines of 5 (five) minutes for an engine, 8 (eight) minutes for a paramedic squad, and 10 (ten) minutes for a truck in urban areas. Paramedic squad 58's unusually long response time to this project is mitigated somewhat by the paramedic capabilities of the assessment engine in Station 110.

The nearest hazardous materials squad is in Station 105, located in the Dominguez unincorporated area east of Carson. The described uses in this project are unlikely to require a response by this specialized unit. The only proposed uses that would create a unique type of fire protection requirement are the 141 boat slips. Fire Boat 110 is the appropriate response unit for these uses.

PROJECT IMPACT ON SERVICES:

Fire protection serving the area appears to be adequate for the existing development/land use; however, each additional development creates greater demands on existing resources. Marina del Rey is gradually undergoing redevelopment to higher densities. Consequently, the long-term cumulative impact that this project in combination with other projects will have on the adequacy of the Fire Department's level of service remains uncertain.

LAND DEVELOPMENT UNIT/GENERAL REQUIREMENTS:

The proposed development may necessitate multiple ingress/egress access for the circulation of traffic, and emergency response issues. The Department may condition future development to provide additional means of access. The development of this project must comply with all applicable code and ordinance requirements for construction, access, water mains, fire flows and fire hydrants.

Specific fire and life safety requirements for the construction phase will be addressed at the building fire plan check. There may be additional fire and life safety requirements during this time. Every building constructed shall be accessible to Fire Department apparatus by way of access roadways, with an all-weather surface of not less than the prescribed width. The roadway shall be extended to within 150 feet of all portions of the exterior walls when measured by an unobstructed route around the exterior of the building.

Fire access roads shall have an unobstructed vertical clearance clear-to-sky with the exception of protected tree species. Protected tree species overhanging fire access roads shall be maintained to provide a vertical clearance of 13 feet, 6 inches.

When involved with a subdivision in unincorporated areas within the County of Los Angeles Fire Department, requirements for access, fire flows and hydrants are addressed at the Los Angeles County Subdivision Committee meeting during the subdivision tentative map stage. Fire sprinkler systems are required in residential and commercial occupancies.

HIGH-DENSITY RESIDENTIAL:

The development may require fire flows up to 5,000 gallon per minute at 20 pounds per square inch residual pressure for up to a five-hour duration. Final fire flows will be based on the size of the buildings, their relationship to other structures, property lines, and types of construction used. Fire hydrant spacing shall be 300 feet and shall meet the following requirements:

1. No portion of lot frontage shall be more than 200 feet via vehicular access from a public fire hydrant.
2. No portion of a building shall exceed 400 feet via vehicular access from a properly spaced fire hydrant.
3. When cul-de-sac depth exceeds 200 feet, hydrants will be required at the corner and mid-block.
4. Additional hydrants will be required if the hydrant spacing exceeds specified distances.

Turning radii shall not be less than 32 feet. This measurement shall be determined at the centerline of the road. A Fire Department approved turning area shall be provided for all driveways exceeding 150 feet in length. All on-site driveways shall provide a minimum unobstructed width of 28 feet, clear-to-sky. The 28 feet width does not allow for parking, and shall be designated as a "Fire Lane," and have appropriate signage. The centerline of the on-site driveway shall be located parallel to and within 30 feet of an exterior wall on one side of the proposed structure. The on-site driveway is to be within 150 feet of all portions of the exterior walls of the first story of any building.

1. Any access way less than 34 feet in width shall be labeled "Fire Lane" on the final recording map, and final building plans.
2. The entrance to the street/driveway and intermittent spacing distances of 150 feet shall be posted with Fire Department approved signs stating "NO PARKING - FIRE LANE" in three-inch high letters. Driveway labeling is necessary to ensure access for Fire Department use.

Ms. Julie Berger
October 22, 2004
Page 3

LIMITED ACCESS DEVICES (GATES, ETC.):

All access devices and gates shall meet the following requirements:

1. Any single-gated opening used for ingress and egress shall be a minimum of 26 feet in width, clear-to-sky.
2. Any divided gate opening (when each gate is used for a single-direction of travel – i.e., ingress or egress) shall be a minimum width of 20 feet clear-to-sky.
3. Gates and/or control devices shall be positioned a minimum of 50 feet from a public right-of-way, and shall be provided with a turnaround having a minimum of 32 feet of turning radius. If an intercom system is used, the 50 feet shall be measured from the right-of-way to the intercom control device.
4. All limited access devices shall be of a type approved by the Fire Department.
5. Gate plans shall be submitted to the Fire Department prior to installation. These plans shall show all locations, widths and details of the proposed gates.

TRAFFIC CALMING MEASURES:

All proposals for traffic calming measures (speed humps/bumps/cushions, traffic circles, roundabouts, etc.) shall be submitted to the Fire Department for review prior to implementation. Should any questions arise regarding design and construction, and/or water and access, please contact Inspector Marvin Dorsey at (323) 890-4243.

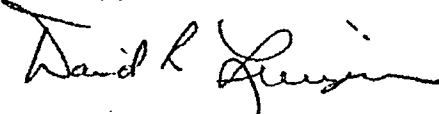
FORESTRY DIVISION:

The statutory responsibilities of the County of Los Angeles Fire Department, Forestry Division include erosion control, watershed management, rare and endangered species, vegetation, fuel modification for Very High Fire Hazard Severity Zones or Fire Zone 4, archeological and cultural resources, and the County Oak Tree Ordinance.

Potential impacts in these areas should be fully addressed in the Draft Environmental Impact Report. This project will require an EIR fee deposit of \$1,000 payable to the County of Los Angeles Fire Department at the time the DEIR is submitted for review (see enclosed).

If you have any additional questions, please contact this office at (323) 890-4330.

Very truly yours,



DAVID R. LEININGER, CHIEF, FORESTRY DIVISION
PREVENTION BUREAU

DRL:sc

Enclosure

bc: Yocum/ERU, Div VII, EIR #2107/Pac., Takeshita/Malibu, Land Development, Planning, #219 (EIR #2107.b70)



LOS ANGELES COUNTY FIRE DEPARTMENT ENVIRONMENTAL REVIEW FEES & DEPOSITS

Effective September 11, 1991, whenever a review for impact on the fire prevention, natural resources, and/or fire resource allocation responsibilities of the Fire Department is required, as part of the environmental review process, the applicant shall pay a minimum deposit fee of \$1,000 from which actual costs shall be billed and deducted. Additional deposits may have to be made if actual review costs exceed 80% of deposited funds. A larger deposit may be made for more complex projects to ensure prompt continuation of environmental review efforts. All unused funds shall be refunded to the applicant.

All Environmental Review Deposits should be made payable and sent to:

County of Los Angeles Fire Department
P.O. Box 910901
Commerce, CA 90091-0901
Attn: Financial Management Division

If you have any questions regarding the Environmental Review Fee or Deposit amount, please call the Forestry Division at (323) 890-4330.

If you have any questions regarding your Environmental Review Deposit status, please contact the Fiscal Services Division at (323) 838-2345.



ATTACHMENT G
COUNTY OF LOS ANGELES
FIRE DEPARTMENT

5823 Rickenbacker Road
Commerce, California 90040-3027

DATE: July 2, 2008

TO: Department of Regional Planning
Permits and Variances

PROJECT #: CUP R2006-03652

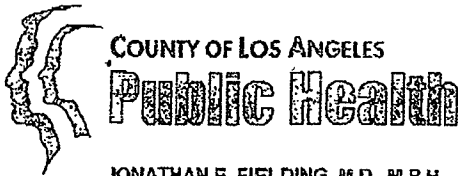
LOCATION: NE corner of Via Marina and Marquesas Way (Parcel FF)

- ☐ The Fire Department Land Development Unit has no additional requirements for this permit.
- ☒ The required fire flow for this development is 3500 gallons per minute for 3 hours. The water mains in the street, fronting this property must be capable of delivering this flow at 20 pounds per square inch residual pressure.
- ☒ Install 2 Public 6" X 4" X 2 1/2" fire hydrants, conforming to AWWA C503-75 or approved equal. All installations must meet Fire Department specifications. Fire hydrant systems must be installed in accordance with the Utility Manual of Ordinance 7834 and all installations must be inspected and flow tested prior to final approval.
- ☒ **Comments:** THIS PROJECT IS CLEARED FOR PUBLIC HEARING.
- ☒ **Location:** As shown on the site plan file in our office. A copy is attached on this report.
- ☒ **Access:** Access is adequate as shown.
- ☒ **Special Requirements:** Submit architectural plan to our Fire Prevention Engineering Section in Hawthorne for review and approval prior to building permit issuance. For submittal information contact (310) 263-2732.

Fire Protection facilities; including access must be provided prior to and during construction. Should any questions arise regarding this matter, please feel free to call our office at (323) 890-4243.

Inspector: Juan C. Padilla

Land Development Unit – Fire Prevention Division – Office (323) 890-4243 Fax (323) 890-9783



ATTACHMENT H



JONATHAN E. FIELDING, M.D., M.P.H.
Director and Health Officer

JONATHAN E. FREEDMAN
Acting Chief Deputy

Environmental Health
ANGELO J. BELLOMO, REHS, Director

ALFONSO MEDINA, REHS
Director of Environmental Protection Bureau

Environmental Hygiene Program
Cole Landowski, MS, CIH, REHS, Program Head
5050 Commerce Drive
Baldwin Park, CA 91706
TEL (626) 430-5540 FAX (626) 813-4839

www.bepublichealth.com

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June 19, 2008

Mr. Michael Tripp
Impact Analysis Section
Department of Regional Planning
Los Angeles County
320 West Temple Street
Los Angeles, California 90012

RE: **The Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and
Timeshare Resort Project. RCUP1200600289**

Dear Mr. Tripp:

This is to inform you that upon review of all documents forwarded to our program by you and upon visiting the proposed project site location at the above address, it appears that the proposed construction project will have a significant noise impact upon the surrounding community during the grading and construction of the site. However, the surrounding community will have no significant noise impact on the above project. The following comments and recommendations are therefore presented:

1. Construction activities should be restricted between the hours of 8:00 A.M. and 5:00 P.M. in order to minimize construction and haul route activities that would increase noise disturbance on surrounding residential and commercial land.
2. All construction equipment, fixed and mobile, shall be in proper operating condition and fitted with standard silencing devices. Proper engineering noise controls should be implemented when necessary on fixed equipment. It is recommended that a monitoring program be implemented by the applicant to monitor mobile sources.

The Neptune Marina Apartments
and Anchorage/Woodfin Suite Hotel
and Timeshare Resort
Marina del Rey, CA 90292

3. It is recommended that the occupants of the surrounding sensitive land use be informed of the anticipated duration of the project, noise impact and any other pertinent information where people can register questions and complaints.
4. The project applicant shall post a notice at the construction site and along the proposed truck haul route. The notice shall contain information on the type of project, anticipated duration of construction activity, and provide a phone number where people can register questions and complaints.
5. Pile drivers used during the foundation construction are required by building code regulation and therefore vibration impact and high intensity repetitious intrusive noise is expected and unavoidable. In order to minimize the impact associated with pile drivers it is recommended that such construction activity be limited to the hours of 8:00 A.M. and 4:30 P.M. Also, if economically feasible, the use of a noise attenuation barrier around the pile driver should be implemented.
6. Grading work should be kept between the hours of 8:00 A.M. and 5:00 P.M., Monday through Friday. Noise generated by the project shall attempt to remain within standards dictated by the Los Angeles County Code, Title 12, Environmental Protection, Section 12.08.440. However, the noise level shall not exceed a cumulative 15 minute noise level of 85 dB-A during any hour that construction activities are in operation. This standard shall apply for any period of time during the construction that compliance is technically and economically feasible.
7. Staging and delivery areas should be located as far as feasible from existing residences and should be scheduled to take place from the mid-morning to mid-afternoon to take advantage of times when residential zones are less susceptible to annoyance from outside noise.
8. Maintaining equipment in an idling mode shall be minimized. This practice helps minimize the impact associated with noise engine, particulate matter and green gas emissions.
9. Any semi-stationary piece of equipment that operates under full power for more than sixty minutes per day shall have a temporary ¾ inch plywood screen if there is a direct line of sight to any residential bedroom window from the equipment to homes along the perimeter of the construction site.

Particle matter emissions (PM₁₀ and PM_{2.5}) and Greenhouse Gases

The evaluation of particle emissions are now being routinely addressed in preliminary environmental impact reports. Recent research shows significant health risk to populations including children and people of advanced age when exposed to these pollutants. As a result environmental impact reports, including this report, should now address these issues.

The Neptune Marina Apartments
and Anchorage/Woodfin Suite Hotel
and Timeshare Resort
Marina del Rey, CA 90292

The proposed project may result in exposure to these particle emissions to the surrounding community especially during the construction phase of the project, which may include people that belong to high risk populations.

Implement a construction plan as approved by the County, that includes the following recommendations presented by the SCAQMD:

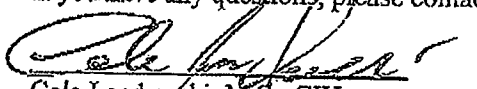
- a. Configure construction parking to minimize traffic interference.
- b. Provide temporary traffic controls during all phases of construction activities to maintain traffic flow (e.g., flag person)
- c. Schedule construction activities that affect traffic flow on the arterial system to off-peak hours as permitted.
- d. Reroute construction trucks away from congested streets.
- e. Consolidate truck deliveries when possible.
- f. Provide dedicated turn lanes for movement of construction trucks and equipment on and off site.
- g. Maintain equipment and vehicle engines in good condition and in proper tune according to manufacturers' specifications and per SCAQMD rules, to minimize exhaust emissions.
- h. Suspend use of all construction equipment operations during second stage smog alerts. Contact the SCAQMD at 800/242-4022 for daily forecasts.
- i. Use electricity from power poles rather than temporary diesel- or gasoline-powered generators.
- j. Use methanol- or natural gas-powered mobile equipment and pile drivers instead of diesel if readily available at competitive prices.
- k. Use propane- or butane-powered on-site mobile equipment instead of gasoline if readily available at competitive prices.

The Neptune Marina Apartments
and Anchorage/Woodfin Suite Hotel
and Timeshare Resort
Marina del Rey, CA 90292

Also, develop and implement a dust control plan as approved by the County, which includes the following measures recommended by the SCAQMD, or equivalently effective measures by the SCAQMD:

- a. Apply approved non-toxic chemical soil stabilizers according to manufacturers' specification to all inactive construction areas (previously graded areas inactive for four days or more).
- b. Replace ground cover in disturbed areas as quickly as possible.
- c. Enclose, cover, water twice daily, or apply approved soil binders to exposed piles (e.g. gravel, sand, dirt) according to manufacturers' specifications.
- d. Water active grading sites at least twice daily (SCAQMD rule 403)
- e. Suspend all excavating and grading operations when wind speeds (as instantaneous gusts) exceed 25mph.
- f. Provide temporary wind fencing consisting of 3-to-5 foot barriers with 50 percent or less porosity along the perimeter of sites that have been cleared or are being graded.
- g. All trucks hauling dirt, sand, soil or other loose materials are to be covered or should maintain at least 2 feet of freeboard (i.e., minimum vertical distance between top of the load and the top of the trailer), in accordance with Section 23114 of the California Vehicle Code.
- h. Sweep streets at the end of the day if visible soil material is carried over to adjacent roads (recommend water sweepers using reclaimed water if readily available).
- i. Install wheel washers where vehicles enter and exit unpaved roads onto paved roads, or wash off trucks and any equipment leaving the site each trip.
- j. Apply water three times daily or chemical soil stabilizers according to manufacturers' specifications to all unpaved parking or staging areas or unpaved road surfaces.
- k. Enforce traffic speed limits of 15mph or less on all unpaved roads.
- l. Pave construction roads when the specific roadway path would be utilized for 120 days or more.

If you have any questions, please contact Evenor Masis at (626)430-5435.


Colc Landowski, M.S., CIH
Head, Environmental Hygiene Program



DEAN D. EFSTATHIOU, Acting Director

ATTACHMENT I
COUNTY OF LOS ANGELES
DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

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ALHAMBRA, CALIFORNIA 91803-1331
Telephone: (626) 458-5100
<http://dpw.lacounty.gov>

ADDRESS ALL CORRESPONDENCE TO:
P.O. BOX 1460
ALHAMBRA, CALIFORNIA 91802-1460

August 13, 2008

IN REPLY PLEASE
REFER TO FILE: LD-1

TO: Mark Child, AICP
Zoning Permits I Section
Department of Regional Planning

Attention Michael Tripp

FROM:  Steve Burger
Land Development Division

CONDITIONAL USE PERMIT (CUP) REVIEW AND COMMENT
NEPTUNE MARINA APARTMENTS
PROJECT NO. R2006-03652
CUP NO. RCUP 200600290
UNINCORPORATED MARINA DEL REY AREA

- ☒ Public Works recommends approval of this CUP.
- ☐ Public Works does **NOT** recommend approval of this CUP.

We reviewed the site plan for the subject CUP in the unincorporated Marina del Rey area located on Parcel FF. The project is for the demolition of the existing surface parking lot and landscaping and for the construction, use, and maintenance of a 126 unit multi-family residential apartment community comprised of one structure, 243 parking spaces, and a Waterfront Stroll Promenade.

Upon Regional Planning's approval of the site plan, we recommend the following conditions:

1. Geotechnical Engineering

- 1.1. Prior to the issuance of grading or building permits, submit an updated soils engineering report that adequately addresses the comments stated on the Soils Engineering Review Sheet from our Geotechnical and Materials Engineering Division dated June 14, 2007 (see attachment), to the satisfaction of Public Works.

For questions regarding the above items, contact Jeremy Wan at (626) 458-4925.

2. Drainage

2.1. Prior to the approval of improvement plans:

- Comply with the requirements of the Drainage Concept/Hydrology Study/Standard Urban Stormwater Mitigation Plan (SUSMP), which was approved on July 2, 2008, to the satisfaction of Public Works.
- Obtain approval or letter of nonjurisdiction from the State Department of Fish and Game.
- Obtain approval or letter of nonjurisdiction from the State Water Resources Control Board.
- Obtain approval or letter of nonjurisdiction from the Corps of Engineers.
- Obtain and provide all applicable permits.

2.2. Prior to the issuance of building permits:

- A grading plan and soils report must be submitted and approved. The grading plans must show and call out the construction of at least all the drainage devices and details, the paved driveways, the elevation and drainage of all pads, and the SUSMP devices to the satisfaction of Public Works. The applicant is required to show and call out all existing easements on the grading plans and obtain the easement holder approvals prior to the grading plans approval.
- Submit recorded covenants for the private maintenance of SUSMP devices.

For questions regarding the above items, contact Nazem Said at (626) 458-4921.

3. Waterworks

- 3.1. Install approximately 170 feet of 18-inch-diameter water main in Via Marina including interconnections to existing water system and all necessary appurtenances.
- 3.2. Install domestic water meter as required based on domestic flow calculated by applicant engineer.

- 3.3. Install two 8-inch reduced pressure principal detector assembly to be designed to meet or exceed onsite fire flow requirements as determined by the Los Angeles County Fire Chief.

For questions regarding the above items, contact Tom Eng at (626) 300-3317.

4. Right of Way and Road Improvement Requirements

- 4.1. Close any unused driveways with curb, gutter, and sidewalk along the property frontage on Via Marina and Marquesas Way to the satisfaction of Public Works.
- 4.2. Provide an adequate property line return location based on a full parkway width at the intersection of Via Marina and Marquesas Way (northeast corner) to meet current guidelines of the Americans with Disabilities Act (ADA) to the satisfaction of Public Works and the Department of Beaches and Harbors.
- 4.3. Construct a curb return radius of 35 feet at the intersection of Via Marina and Marquesas Way (northeast corner) to the satisfaction of Public Works. Relocate any affected utilities.
- 4.4. Construct a 5-foot-wide sidewalk adjacent to the curb on Marquesas Way, along property frontage, to the satisfaction of Public Works. Sidewalk pop-outs in the vicinity of any above-ground utilities/obstructions shall be constructed to meet current ADA requirements.
- 4.5. Reconstruct the existing 3.5-foot sidewalk on Via Marina, along property frontage to a minimum width of 5 feet to the satisfaction of Public Works. Additional sidewalk pop-outs will also be required and shall be constructed to meet current ADA requirements when in the vicinity of any above-ground utilities along Via Marina.
- 4.6. Construct driveway approaches at the site to the satisfaction of Public Works.
- 4.7. Median openings/modifications/stripping on Marquesas Way as shown on the exhibit maps are not necessarily approved. Comply with median openings/modifications/stripping (if any) to the satisfaction of Public Works and Beaches and Harbors.

- 4.8. Relocate/remove existing street trees and/or street lights located in the medians along Marquesas Way to the satisfaction of Public Works and Beaches and Harbors. Street lighting plans may be required for the relocation/removal/addition of any street lights along the project frontages (including the medians) to the satisfaction of Public Works and Beaches and Harbors.
- 4.9. Submit street improvement plans and acquire street plan approval or direct check status before obtaining grading permit.
- 4.10. Execute an Agreement to Improve for the street improvements prior to issuance of a building permit. For information regarding Agreement to Improve, contact Ruben Cruz at (626) 458-4910.
- 4.11. Comply with the mitigation measures identified in the attached June 12, 2008, letter from our Traffic and Lighting Division or any letter issued from Traffic and Lighting Division superseding the June 12, 2008, letter, to the satisfaction of Public Works. Detailed signing and striping and signal plans (for off-site areas) may be required to the satisfaction of Public Works. Sidewalk requirements stipulated in the June 12, 2008, Traffic and Lighting letter may be disregarded. The applicant shall comply with sidewalk requirements as stipulated by Land Development Division.
- 4.12. Submit a traffic signal modification plan for the intersection of Via Marina and Marquesas Way for review and approval if traffic signal equipment is impacted by the modification of the southeast corner curb-return radius and/or curb ramp.
- 4.13. Submit a detailed signing and striping plan for Marquesas Way and Via Marina in the vicinity of the project for review and approval.
- 4.14. Submit a grading plan to Land Development Division for approval. The grading plans must show and call out the construction of at least all drainage devices and details, paved driveways, elevation and drainage of all pads, and the SUSMP devices if applicable. The applicant is required to show and call out all existing easements on the grading plan and obtain the easement holder(s) approvals.
- 4.15. A maintenance agreement may be required prior to grading plan approval for privately maintained drainage devices including any on-site SUSMP devices.

Mark Child
August 13, 2008
Page 5

- 4.16. Obtain Geotechnical and Materials Engineering Division's soil/geology approval (if applicable) of the grading plan.

For questions regarding the items above, contact Andy Narag at (626) 458-4921.

If you have any other questions or require additional information, please contact Simin Agahi or Toan Duong at (626) 458-4910.

JG:ca

P:/LDPUB/SUBMGT/CUP/CUP-200700137/PROJECT R2006-03652_CUP200600290_NEPTUNE MARINA APARTMENTS.DOC

Attach.

Dist. Office 12.0

Sheet 1 of 1

County of Los Angeles Department of Public Works
GEOTECHNICAL AND MATERIALS ENGINEERING DIVISION
GEOLOGIC REVIEW SHEET
900 So. Fremont Ave., Alhambra, CA 91803
TEL. (626) 458-4925

DISTRIBUTION

1 Dist. Office
1 Geologist
1 Soils Engineer
1 GMED File

Tract / Parcel Map		Lot(s)	
Parent Tract		Location	<u>Marina Del Rey</u>
Site Address	<u>13967 Marquesas Way</u>	APN	
Geologist		Developer/Owner	<u>L.A. County Beaches and Harbor / Legacy Partners</u>
Soils Engineer	<u>Group Delta Consultants</u>	Engineer/Arch.	<u>Bagahi Engineering</u>

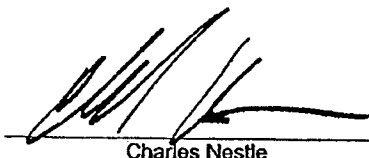
Review of:

Miscellaneous Application No. 0407150003 For: Feasibility for Proposed Residential Apartment Development
Geologic Report(s) Dated _____
Soils Engineering Report(s) Dated 4/11/07, 9/29/05
Geology and Soils Engineering Report(s) Dated Bagahi Engineering: 3/11/00 (two volumes)

Remarks/Conditions:

1. The Soils Engineering review dated 6/14/07 is attached.
2. The proposed building area is in an area subject to geologic hazard according to available data. Prior to geotechnical review for issuance of future permits, specific development plans must be submitted.
3. The Department of Public Works "Geologic Site Inspection" review is intended to preliminarily tell you if readily apparent conditions indicate that a geology or soils report may be required and/or to tentatively indicate possible conditions that may have to be met prior to issuance of a permit. Any comments, determinations, opinions or other statements concerning the property which are contained in this review sheet are tentative and subject to change. Additional data may be brought to the Department's attention which may materially affect and/or supersede statements made herein. Because of the very limited nature of the review conducted by the Department, any statements made in this review sheet are not binding on this Department and are not to be relied upon by anyone in deciding whether to build on or buy any property. Further review requires submittal of a permit application for Grading and/or Building.

Prepared by


Charles Nestle

Reviewed by

Date 5/17/07

COUNTY OF LOS ANGELES
DEPARTMENT OF PUBLIC WORKS
GEOTECHNICAL AND MATERIALS ENGINEERING DIVISION

SOILS ENGINEERING REVIEW SHEET

Address: 900 S. Fremont Ave., Alhambra, CA 91803
Telephone: (626) 458-4925
Fax: (626) 458-4913

District Office 12.0
Job Number GMMSRR
Sheet 1 of 1

Apartment Buildings

Location 13967 Marquesas Way, Marina Del Rey
Developer/Owner Legacy Partnership
Engineer/Architect _____
Soils Engineer Group Delta (L618)
Geologist Same as above

DISTRIBUTION:

1 Drainage
1 Grading
1 Geo/Soils Central File
District Engineer
1 Geologist
1 Soils Engineer
1 Engineer/Architect

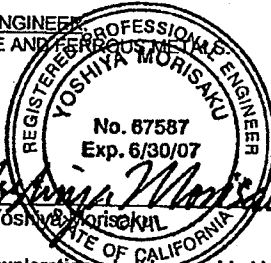
Miscellaneous Applications No. 0407150003

Review of:
Soils Engineering Report Dated 4/11/07, 9/29/05
Soils Engineering and Geologic Report by Bagahi Dated 3/31/00
Previous Review Sheet Dated 11/29/05

REMARKS:

1. According to Title 22 of the Los Angeles County Planning and Zoning Ordinance and the Marina Del Rey Specific Plan, Section 22.46.1180, Item 4: "All new development over three stories in height shall be designed to withstand a seismic event with a ground acceleration of no less than 0.50g."
Verify seismic parameters utilized in the previously submitted Lateral Spreading analyses. The submitted analyses indicate that a Yield Acceleration (ky) of 0.23g up to 0.36g was utilized in the Lateral Spread analyses. Provide revised analyses that utilize the appropriate ground acceleration of 0.50g, as necessary. Provide revised mitigation measures that address the predicted lateral spreading.
2. On Page 2 of the submitted report Table 1 indicates an evaluation of only three CPT's regarding the Chinese criteria. Provide additional laboratory test data (e.g. percent clay sizes, Atterburg Limits, etc. per the Chinese criteria) to substantiate that the silty soils are not liquefiable for other locations on the subject site (i.e. locations for G-1, G-2, etc.). Verify the different layers of silty soils that may be subject to the Chinese criteria. Provide revised liquefaction, dynamic settlement, and lateral spread analyses and revised mitigation measures as necessary.
3. Per the soils engineer, the geologic hazards of the subject site will be mitigated by a combination of stone columns and pile foundations. The submitted report states that the proposed mitigation measures will create a 59 foot wide zone of improved soils. Address the lateral spread and liquefaction of the soils beyond the predicted 59 foot wide zone (i.e. liquefiable soils between the existing seawall and proposed mitigation measures) in relation to the proposed mitigation measures. Address the propagation of excess pore pressures from the liquefied soils to the improved soils and the effects to the proposed perimeter stone columns. Lateral spreading may involve liquefiable soils that may translate along the contact between the liquefiable and non-liquefiable soils. As previously requested address the following regarding the proposed mitigation measures for lateral spreading:
 - a. Provide data and analyses to substantiate that the perimeter stone columns will be able to resist the lateral pressure due to lateral spreading of the liquefiable soils beyond the stone column perimeter (i.e. liquefiable soils between the existing seawall the proposed mitigation measures). Recommend revised mitigation measures as necessary.
 - b. Address the lateral support (or lack of lateral support) of the perimeter stone columns if the soils beyond the stone column perimeter (i.e. liquefiable soils between the existing seawall the proposed mitigation measures) fail as a result of lateral spreading. Recommend revised mitigation measures as necessary.
4. Address the possible impact of uplift for the proposed construction/development. Provide recommendations as necessary.
5. Show all revised mitigation measures for liquefaction on the geotechnical map.
6. Include a copy of this review sheet with your response.
7. The Department of Public Works "Geotechnical Site Inspection" review is intended to preliminarily tell you if readily apparent conditions indicate that a geology or soils report may be required and/or to tentatively indicate possible conditions that may have to be met prior to issuance of a permit. Any comments, determinations, opinions or other statements concerning the property which are contained in this review sheet are tentative and subject to change. Additional data may be brought to the Department's attention which may materially affect and/or supersede statements made herein. Because of the very limited nature of the review conducted by this Department, any statements made in this review sheet are not binding on this Department and are not to be relied upon by anyone in deciding whether to build on or buy any property. Further review requires submittal of a permit application for Grading and/or Building.

NOTE(S) TO THE PLAN CHECKER/BUILDING AND SAFETY ENGINEER:
ON-SITE SOILS ARE SEVERELY CORROSIVE TO CONCRETE AND PERMANENTLY CONTAMINATED



Reviewed by _____ Date 6/14/07

NOTICE: Public safety, relative to geotechnical subsurface exploration, shall be provided in accordance with current codes for excavations, inclusive of the Los Angeles County Code, Chapter 11.48, and the State of California, Title 8, Construction Safety Orders.
P:\Yosh13967 Marquesas Way, Marina Del Rey, MA-NA_2



DEAN D. EFSTATHIOU, Acting Director

COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

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ADDRESS ALL CORRESPONDENCE TO:
P.O. BOX 1460
ALHAMBRA, CALIFORNIA 91802-1460

IN REPLY PLEASE
REFER TO FILE: T-4

June 12, 2008

Mr. Jonathan Louie
Crain & Associates
2007 Sawtelle Boulevard, Suite No. 4
Los Angeles, CA 90025-6238

Dear Mr. Louie:

**NEPTUNE MARINA APARTMENTS AND ANCHORAGE, NEPTUNE MARINA
APARTMENTS, AND WOODFIN SUITE HOTEL/TIMESHARE RESORT
MARINA DEL REY PARCEL NOS. 10R, FF, AND 9U
CONDITIONAL USE PERMITS 06289, 06290, AND 06216
TRAFFIC IMPACT ANALYSIS (DECEMBER 2007)
MARINA DEL REY AREA**

As requested, we have reviewed the Traffic Impact Analysis (TIA) for the Neptune Marina Apartments and Anchorage located at the southeast corner of Via Marina at Marquesas Way, the Neptune Marina Apartment located at the northeast corner of Via Marina at Marquesas Way, and the Woodfin Suite Hotel/Timeshare Resort located at the northeast corner of Via Marina at Tahiti Way, all in the unincorporated County of Los Angeles area of Marina del Rey.

Neptune Marina Apartments and Anchorage is located on the County-owned Parcel No. 10R in the Marquesas Development Zone (DZ) 3. The proposed Neptune Marina Apartments and Anchorage consists of the removal of 136 existing apartment units and the construction of a 400-unit multi-family residential apartment community consisting of three structures, 909 parking spaces, and a 1,437 feet waterfront public pedestrian promenade. The waterside portion of Parcel No. 10R would be comprised of a small craft anchorage consisting of 174 boat spaces that would replace an existing marina containing 198 deteriorated boat spaces. Neptune Marina Apartments and Anchorage is estimated to generate a net increase of approximately 1,017 vehicle trips daily, with 92 and 85 vehicle trips during the a.m. and p.m. peak hours, respectively.

Mr. Jonathan Louie
June 12, 2008
Page 2

Neptune Marina Apartments is located on the County-owned Parcel No. FF in the Marquesas DZ 3. The proposed Neptune Marina Apartments consists of the demolition of an existing public parking lot containing 207 parking spaces and the development of a 126-unit residential apartment community comprised of one structure, 243 parking spaces, and a 200-foot long waterfront public pedestrian promenade. Neptune Marina Apartments is estimated to generate approximately 499 vehicle trips daily, with 44 and 41 vehicle trips during the a.m. and p.m. peak hours, respectively.

Woodfin Suite Hotel/Timeshare Resort is located on the County-owned Parcel No. 9U in the Tahiti DZ 2. The proposed Woodfin Suite Hotel/Timeshare Resort is comprised of a hotel/timeshare resort with 288 hotel and timeshare suites (152 conventional hotel suites and 136 timeshare suites) and an assortment of accessory patron and visitor-serving uses contained in a 19-story structure. It also includes a public waterfront pedestrian promenade and 360 parking spaces for the hotel/timeshare resort. Woodfin Suite Hotel/Timeshare Resort is estimated to generate approximately 1,588 vehicle trips daily, with 117 and 102 vehicle trips during the a.m. and p.m. peak hours, respectively. The three projects at its build out year 2013, combined are estimated to generate a net increase of approximately 3,104 vehicle trips daily, with 253 and 228 vehicle trips during the a.m. and p.m. peak hours, respectively.

The traffic generated by all three projects and cumulatively with other related projects will exceed the significance threshold as defined in our TIA Report Guidelines at the four intersections listed below. We agree with the TIA that mitigation measures which are identified in the Marina del Rey Local Implementation Program (MDR LIP) will fully mitigate the direct and cumulative impacts to these four intersections. As required by the MDR Local Coastal Plan (LCP), the project shall pay the LCP traffic mitigation fee of \$5,690 per p.m. peak-hour trip for Category I and III improvements. Based on the 228 estimated project p.m. peak-hour trips, the project's fair share of the LCP Transportation Improvement Program fee is \$1,297,320 of which \$362,976 will go toward the Category I transportation improvements and the remaining \$934,344 will go toward the Category III transportation improvements. The payment shall be made to Public Works, Marina del Rey Traffic Mitigation Fee Account No. TF2 7703 upon approval of the project.

- Admiralty Way at Via Marina

Reconstruct the intersection to provide for a realignment of Admiralty Way as a through roadway with the southern leg of Via Marina as proposed under the MDR LIP Category III improvements instead of widening the south side of Admiralty Way to accommodate a triple westbound left-turn movement, and two lanes eastbound on Admiralty Way with a right-turn merge lane from northbound Via Marina as proposed under the MDR LIP Category I improvements.

- **Lincoln Boulevard at Mindanao Way**

Widen the west side of Lincoln Boulevard both north and south of Mindanao Way, and relocate and narrow the median island on Lincoln Boulevard to provide a northbound right-turn lane as proposed under the MDR LIP Category I improvements. In addition, the proposed extension of SR-90 to Admiralty Way will mitigate the cumulative impact at this intersection. Although the SR-90 extension is not a programmed project, it is one of several potential regional transportation circulation improvements identified under the MDR LIP Category III improvements. This intersection will have significant cumulative impacts until the SR-90 extension or another project of equal effectiveness is constructed. Therefore, please ensure that this unmitigated impact is properly described in the project's Draft Environmental Impact Report (DEIR).

- **Admiralty Way at Mindanao Way**

The TIA proposes a second southbound left-turn lane and modification of the traffic signal to provide a westbound right-turn phase concurrent with the southbound left-turn movement. We also recommend converting the shared left-turn/through lane to a shared through/left-/right-turn lane on the westbound approach, plus optimizing the signal operation at adjacent intersections, to mitigate the project's cumulative traffic impact at the intersection.

- **Admiralty Way at Bali Way**

Widen Admiralty Way from Fiji Way to Via Marina to provide a third westbound through lane as proposed under the MDR LIP Category I improvements.

The traffic generated by all three projects and cumulatively with other related projects will exceed the significance threshold as defined in our TIA Report Guidelines at the following intersections listed below.

- Washington Boulevard at Ocean Avenue/Via Marina

Although no physical improvements are feasible at this intersection, the improvements recommended for the adjacent intersection of Washington Boulevard at Palawan Way will provide adequate mitigation.

- Washington Boulevard at Palawan Way

South approach: Two northbound left-turn lanes onto westbound Washington Boulevard and an exclusive right-turn lane (add second left-turn).

Install a new traffic signal and, as necessary, modify traffic signal at the intersection of Palawan Way at Admiralty Way. The project's prorata share is 18.4 percent, or \$61,180 based on the total improvement cost estimated at \$332,500. This improvement was reviewed and approved in concept by the City of Los Angeles Department of Transportation (copy enclosed).

No feasible physical improvements are currently available to mitigate the potential cumulative impact for the four intersections listed below. The TIA indicates the proposed extension of SR-90 to Admiralty Way will mitigate the cumulative impact at these intersections. Although the SR-90 extension is not a programmed project, it is one of several potential regional transportation circulation improvements identified under the MDR LIP Category III improvements. These four intersections will have significant cumulative impacts until the SR-90 extension or another project of equal effectiveness is constructed. Therefore, please ensure that this unmitigated impact is properly described in the project's DEIR.

- Lincoln Boulevard at Washington Boulevard
- Lincoln Boulevard at SR-90 (Marina Expressway)
- Lincoln Boulevard at Bali Way
- Lincoln Boulevard at Fiji Way

The intersections listed below need to be improved to adequately handle the cumulative traffic generated by the project and other related projects. The project shall contribute its proportionate share of the cost for these improvements. Detailed striping and signal modification plans and cost estimates shall be submitted to Public Works for review and approval.

- Admiralty Way at Palawan Way

North approach: One left-turn lane, one shared left-turn/through lane, and an exclusive right-turn lane instead of one left-turn lane, one through lane, and an exclusive right-turn lane (convert through lane to shared left-turn/through lane). This alternative appears to be feasible and provides a better Level of Service (LOS) than the alternative to convert one through lane into a second left-turn lane to Admiralty Way as proposed under the MDR LIP Category I improvements.

East approach: One left-turn, two through lanes, and one shared through/right-turn lane instead of one left-turn lane, one through lane, and one shared through/right-turn lane (add second through lane).

South approach: One left-turn and one shared through/right-turn lane instead of one shared left-turn/through lane and one shared through/right-turn lane (convert shared left-turn/through lane to left-turn lane). This alternative appears to be feasible and provides a better LOS than the alternative to provide a separate right-turn lane to Admiralty Way as proposed under the MDR LIP Category I improvements.

- SR-90 (Marina Expressway) Eastbound at Mindanao Way

West approach: Two through lanes and one free-right-turn lane instead of one through lane, one shared through/right-turn lane, and one right-turn lane (convert one shared through/right-turn lane to second through lane and convert right-turn lane to free-right-turn lane). This improvement shall also be reviewed and approved by Caltrans.

Mr. Jonathan Louie
June 12, 2008
Page 6

The project shall dedicate the necessary right of way for the future widening of Via Marina and an 8-foot-wide sidewalk along project frontage on Via Marina.

The project shall submit a 40-foot-scale site plan of the project showing access locations in relationship to adjacent intersections and driveways to our Land Development Division for review and approval.

MDR LCP Compliance

The project is well within the MDR LCP potential development entitlement of 2,750 p.m. peak-hour trips. The project's proposed net increase of 264 dwelling units on Parcel No. 10R and 126 dwelling units on Parcel No. FF exceeds the three dwelling units currently available in DZ 3; therefore, the project's request to transfer the development potential from other DZs and will require an amendment to the LCP. We advise the project's representatives to consult with the Department of Regional Planning to assess the requirements for obtaining the necessary approvals for this amendment.

Chapter 22.46 of the Los Angeles County Code (also known as the Marina del Rey Specific Plan) states for Parcel No. OT that development of uses other than public parking shall be conditioned to provide replacement public parking on-site or elsewhere in the marina on a one to one basis such that there is no net reduction on public parking spaces. The proposed Neptune Marina Apartments consists of the demolition of an existing underutilized public parking lot containing 207 parking spaces and does not mention the replacement of these existing parking spaces. The project's representatives shall consult with the Department of Beaches and Harbors to assess the project's requirements for redevelopment/replacement of the parking spaces.

The Cities of Culver City and Los Angeles and Caltrans should be consulted to obtain its written concurrence with the California Environmental Quality Act level of significance determination, as soon as possible and/or before the public review period.

Mr. Jonathan Louie
June 12, 2008
Page 7

If you have any questions regarding the traffic analysis, please contact Mr. Suen Fei Lau of our Traffic Studies Section at (626) 300-4820.

Very truly yours,

DEAN D. EFSTATHIOU
Acting Director of Public Works



WILLIAM J. WINTER *for*
Assistant Deputy Director
Traffic and Lighting Division

SFL:cn

P:\pub\WPFILES\LAND DEVELOPMENT REVIEW\FEIR06242 NEPTUNE MARINA APARTMENTS AND ANCHORAGE.doc

Enc.

cc: Caltrans (Lan Nguyen)
City of Culver City (Charles Herbertson)
City of Los Angeles (Jay Kim)
County Counsel (Thomas Faughnan)
Department of Beaches and Harbors (Barry Kurtz)
Department of Regional Planning (Michael Tripp)

bc: Design
Land Development (Agahi, Schleikorn, Toan)
Programs Development (Dingman)
Traffic and Lighting (Quintana)

CITY OF LOS ANGELES
CALIFORNIA

Gloria J. Jeff
GENERAL MANAGER



ANTONIO R. VILLARAIGOSA
MAYOR

DEPARTMENT OF
TRANSPORTATION
100 S. MAIN ST
LOS ANGELES, CA 90012
(213) 972-8470
FAX (213) 972-84

LADOT Traffic Control Report:
11 - Western #2579
Los Angeles County File: T-4

March 15, 2007

Mr. Donald L. Wolfe
Director
Los Angeles County, Department of Public Works
P.O. Box 1460
Alhambra, CA 91802-1460

**LADOT CONCURRENCE AND APPROVAL OF PROPOSED TRAFFIC SIGNAL
INSTALLATION AT PALAWAN WAY & WASHINGTON BOULEVARD**

The City of Los Angeles Department of Transportation (LADOT) has completed the review of the traffic engineering analysis regarding the proposal to install a traffic signal at the intersection of Palawan Way and Washington Boulevard. We have determined that the study adequately describes the projected traffic conditions for this location and therefore, the installation of a new traffic signal is acceptable.

Attached is a Traffic Control Report, dated March 8, 2007, which officially authorizes the installation of a new traffic signal at Palawan Way and Washington Boulevard. Please refer to this document for installation requirements and procedures.

If you have any questions or require further assistance regarding this matter, please feel free to contact Eddie Guerrero of my staff at (310) 642-1625.

Sincerely,

JAY W. KIM, Acting Principal Transportation Engineer
Bureau of Planning and Land Use
Los Angeles Department of Transportation

JWK:cgr
JWK\Palawan Washington Signal\palawan_washington_for_billwinter_mar07.wpd

Attachment

cc: William J. Winter, Los Angeles County Department of Public Works
John Fisher, Glenn Ogura, Pauline Chan, Mohammad Blorfroshan, LADOT
Mike Patonai, DPW Bureau of Engineering

**CITY OF LOS ANGELES
DEPARTMENT OF TRANSPORTATION**

March 8, 2007

**TRAFFIC
CONTROL
REPORT**

**11 - Western #2579
Palawan Way &
Washington Boulevard**

TRAFFIC SIGNAL

DETERMINATION

1. That a traffic signal along with appropriate signs, red curb, and pavement markings, be authorized for installation at the intersection of Palawan Way and Washington Boulevard. (Sections 80.07 (d), 80.08, 80.08.2, 80.37 and 80.55 L.A.M.C.)
2. That the authority for the stop sign controlling northbound right-turn traffic on Palawan Way at Washington Boulevard be rescinded at the time the traffic signal is activated. (Section 80.07.1 L.A.M.C.)
3. That the traffic signal be installed under the B-permit process of the Bureau of Engineering with all the costs of design and construction to be borne by the County of Los Angeles.

DISCUSSION

A request was received from Mr. Donald L. Wolfe, Director of Public Works, and Mr. William J. Winter, Assistant Deputy Director for Traffic and Lighting Division for the County of Los Angeles for the installation of a traffic signal at the intersection of Palawan Way and Washington Boulevard.

In March of 2002, Crain and Associates conducted a traffic engineering study for the Esprit Marina Del Rey residential development project located in the Marina Del Rey area, under the jurisdiction of the County of Los Angeles. Because the study proposed dual left-turn lanes for westbound Washington Boulevard at the signalized intersection of Via Marina Avenue/Ocean Avenue, the removal of a significant number of on-street parking spaces on Washington Boulevard would be required.

Recently, the Los Angeles County Department of Public Works has proposed the installation of a new traffic signal and dual left-turn lanes for northbound traffic at the intersection of Palawan Way and Washington Boulevard, as a substitute mitigation measure for the previously proposed dual left-turn lanes at the intersection of Ocean Avenue, Via Marina, and Washington Boulevard. Their recent traffic engineering study considered current traffic studies from other recent developments in the Marina, and compared projected 2009 cumulative level of service with or without mitigation at each of the two intersections. Based on findings from an August, 2002 study conducted by Kaku Associates, the new study assumed that 40 percent of the existing northbound left-turn traffic and 20 percent of the existing northbound through traffic on Via Marina


March 8, 2007

Avenue at Washington Boulevard would be diverted to Palawan Way. The new study indicated that the new traffic signal would offer comparable mitigation of the project's traffic impact and reduce northbound left-turn and through traffic volumes on Via Marina Avenue at Washington Boulevard, which the study pointed out are a source of concern for the Venice Community.

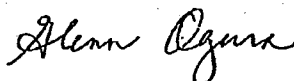
The Department of Transportation has reviewed the traffic engineering analysis and has determined that the study adequately describes the projected traffic conditions for this location, and the installation of a new traffic signal is acceptable. The anticipated traffic volumes at this intersection indicate that the "Peak Hour Volume" warrant for the installation of a traffic signal would be satisfied. The installation of the traffic signal, as described in the Determination, will provide a more restrictive right-of-way assignment and will promote the safe and orderly flow of traffic at this location, and is therefore, recommended.

The traffic signal shall be installed under the B-permit process of the Bureau of Engineering with all costs of design and construction to be paid for by the County of Los Angeles.

Recommended By:


Mohammad H. Blorfroshan
Transportation Engineer
Western District

Approved By:


Glenn Ogura
Principal Transportation Engineer
Bureau of Metro Operations

MHB/tcr-sig-plwn-wash

- c: Councilmember Bill Rosendahl, 11th Council District
LADOT, City Wide Investigations (4030-S)
LADOT, Steps
LADOT, Signal Design
LADOT, Geometric Design
LADOT, West L.A. Land Use Development
Donald L. Wolfe, Los Angeles County Department of Public Works
William J. Winter, Los Angeles County Department of Public Works

ATTACHMENT J

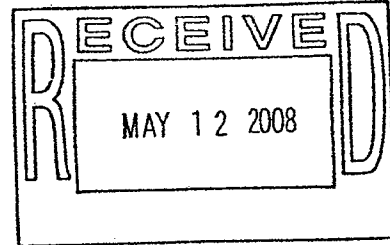


LERROY D. BACA, SHERIFF

County of Los Angeles
Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169



May 7, 2008



Mr. Michael Tripp
Los Angeles County Department of Regional Planning
320 West Temple Street
Los Angeles, California 90012

Dear Mr. Tripp:

**NOTICE OF PREPARATION
THE NEPTUNE MARINA APARTMENTS AND ANCHORAGE/WOODFIN
SUITE HOTEL AND TIMESHARE RESORT PROJECT**

This is in response to your request for comments from the Marina Del Rey Sheriff's Station, dated April 27, 2008, regarding the Screencheck Draft Environmental Impact Report for the Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort Project, in Marina Del Rey. For our comments, please review the attached response provided by Acting Captain Roderick A. Kusch.

In summary, the Station confirms that the specific statistics on staffing and call responses, and comments, provided in their response to your Notice of Preparation dated March 22, 2007, are consistent with those incorporated into the Screencheck Draft EIR. Furthermore, the Station agrees with the conclusions of the cumulative analysis regarding the impacts of this and other projects on the levels of police protection in the area, and that a portion of tax revenues generated from these developments should be directed toward addressing the future need for additional resources at the Marina Del Rey Station.

We reserve the right to address these issues in future reviews.

A Tradition of Service

Mr. Michael Tripp

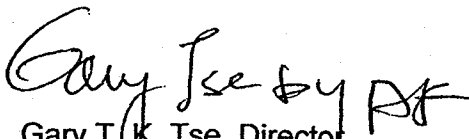
-2-

May 7, 2008

Should you have any additional questions regarding this matter, please contact Tom Bellizia, of my staff at (626) 300-3021.

Sincerely,

LEROY D. BACA, SHERIFF

A handwritten signature in cursive script, appearing to read "Gary Tse" followed by a stylized monogram or initials.

Gary T. Tse, Director
Facilities Planning Bureau

Mr. Michael Tripp

-3-

May 7, 2008

GTKT:TB:tb/jh

Attachments

cc: David Waters, Commander, ASD
Adrianne Ferree, Assistant Director
Lieutenant Roderick Kusch, Acting Captain, Marina Del Rey Station
Tom Bellizia, Project Manager
Chrono
File
(EIR-NeptuneMarinaApartmentDraft)



Erroy D. Baca, Sheriff

County of Los Angeles
Sheriff's Department Headquarters

*4700 Ramona Boulevard
Monterey Park, California 91754-2169*



April 4, 2008

Tom Bellizia, Project Manager
Facilities Planning Bureau
Los Angeles County Sheriff's Department
1000 South Fremont Avenue
Building A-9 East, 5th Floor, Unit 47
Alhambra, California 91803

Dear Mr. Bellizia:

**REVIEW OF SCREENCHECK DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR)
FOR THE NEPTUNE MARINA APARTMENTS AND ANCHORAGE/WOODFIN SUITE
HOTEL AND TIMESHARE RESORT PROJECT**

This letter is in response to the March 27, 2008 correspondence from Principal Regional Planning Assistant Michael Tripp requesting comments regarding a Screencheck Draft Environmental Impact Report (DEIR) on the above development project. Since the above referenced project affects the unincorporated area policed by the Marina del Rey Sheriff's Station, Lieutenant Andrew Brookwell reviewed the section of the Draft EIR pertaining to the Los Angeles Sheriff's Department.

It appears the information incorporated in the Draft EIR is consistent with the information provided in our April 19, 2007 response to the Notice of Preparation. The cumulative analysis indicates the project site will increase the demand for Sheriff's Department services. More specifically, it states, "A significant impact on the current level of police protection services throughout the Marina del Rey area would occur unless the staff and equipment at the County Sheriff's Department are increased proportionately."

However, the impact to the Sheriff's Department is deemed "Less than Significant." This analysis is based on the fact the project site will generate ground lease payments, property tax revenues and sales taxes that will be deposited in the County's General Fund and the State Treasury. The document identifies a portion of these revenues could then be allocated to maintain staffing and equipment levels for the Marina del Rey Sheriff's Station in response to related demands.

A Tradition of Service Since 1850

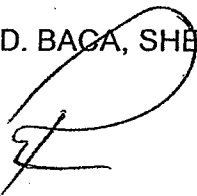
April 4, 2008

Based on the projected impact that the Marina del Rey Sheriff's Station will experience associated to the cumulative development in the Marina del Rey area, the Department should forecast and plan to address the future need for additional resources at Marina del Rey Station. As the Draft EIR identifies the County General Fund as the source of revenue to be used to supplement the Station's existing annual budget, the Department should solicit these funds prior to experiencing a degradation in response times and service levels.

If you have any additional questions, please contact me at (310) 482-6000.

Sincerely,

LEROY D. BACA, SHERIFF

A handwritten signature in black ink, appearing to read 'R. Kusch', is written over the typed name of the Acting Captain.

Roderick A. Kusch, Acting Captain
Commander, Marina del Rey Station

ATTACHMENT K

Keith Nuechterlein
4250 Via Dolce, Unit 322
Marina del Rey, CA 90292

October 12, 2008

Mr. Michael Tripp
Dept. of Regional Planning, Room 1362
320 West Temple Street
Los Angeles CA, 90012

RE 10/29/08 Hearings on Marina Del Rey Parcels 9U North (Project No. R2006-03643) 9U South (Project No. 2006-03644) Parcel 10R (Project No. R2006-03647) and Parcel FF (Project No. R2006-03652) and all related request for permits, variances and LCP Amendments.

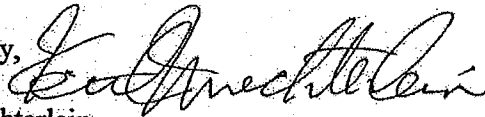
Dear Mr. Tripp:

As a member of the Coalition to Save the Marina, Inc., and as an interested and very concerned homeowner residing at 4250 Via Dolce #322, Marina Del Rey, CA. 90292, I wish to register my vehement objection to the above referenced projects and their related requests for permits, variances and LCP amendments, as well as the EIR presented for the related projects. I am aware that the projects do not take into account the cumulative impact of approximately 10-15 proposed development projects in Marina Del Rey. I am also concerned that the projects do not include updated comprehensive traffic studies for these related projects.

It has come to my attention that the proposed Time Share/Fractional ownership of units violates existing law and policy the intention of which is not to create something similar to the Marina City Club development. Also, these projects fail to promote the small craft harbor and recreation purposes for which Marina del Rey was created, and negatively impede on view and wind corridors.

Please place my objections on the record as appropriate for further standing requirements. Thank you for assistance in these regards.

Sincerely,



Keith Nuechterlein
Resident

OCT 15 2008

Nancy A. Nuechterlein
4250 Via Dolce, Unit 322
Marina del Rey, CA 90292

October 12, 2008

Mr. Michael Tripp
Dept. of Regional Planning, Room 1362
320 West Temple Street
Los Angeles CA, 90012

RE 10/29/08 Hearings on Marina Del Rey Parcels 9U North (Project No. R2006-03643) 9U South (Project No. 2006-03644) Parcel 10R (Project No. R2006-03647) and Parcel FF (Project No. R2006-03652) and all related request for permits, variances and LCP Amendments.


Dear Mr. Tripp:

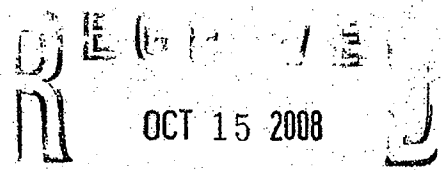
As a member of the Coalition to Save the Marina, Inc., and as an interested and very concerned homeowner residing at 4250 Via Dolce #322, Marina Del Rey, CA 90292, I wish to register my vehement objection to the above referenced projects and their related requests for permits, variances and LCP amendments, as well as the EIR presented for the related projects. I am aware that the projects do not take into account the cumulative impact of approximately 10-15 proposed development projects in Marina Del Rey. I am also concerned that the projects do not include updated comprehensive traffic studies for these related projects.

It has come to my attention that the proposed Time Share/Fractional ownership of units violates existing law and policy the intention of which is not to create something similar to the Marina City Club development. Also, these projects fail to promote the small craft harbor and recreation purposes for which Marina del Rey was created, and negatively impede on view and wind corridors.

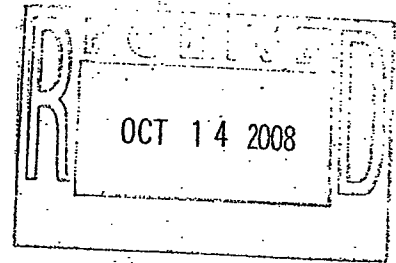
Please place my objections on the record as appropriate for further standing requirements. Thank you for assistance in these regards.

Sincerely,


Nancy A. Nuechterlein
Resident


OCT 15 2008

Richard T. Miller, ESQ.
Coalition to Save the Marina, Inc.
c/o 4250 Via Dolce #222
Marina Del Rey, CA. 90292



October 11, 2008

Mr. Michael Tripp
Dept. of Regional Planning, Rm 1362
320 West Temple Street
Los Angeles CA, 90012

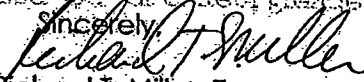
RE 10/29/08 Hearings on Marina Del Rey Parcels 9U North (Project No. R2006-03643) 9U South (Project No. 2006-03644) Parcel 10R (Project No. R2006-03647) and Parcel FF (Project No. R2006-03652) and all related request for permits, variances and LCP Amendments.

Dear Mr. Tripp,

Richard T. Miller, Esq.

On behalf of Coalition to Save the Marina, Inc., as current President, and as a very interested homeowner residing at 4250 Via Dolce #222, Marina Del Rey, CA. 90292, we wish to place our vehement objection to the above referenced projects and their related requests for permits, variances and LCP amendments, as well as the EIR presented for the related projects. In particular, the projects do not take into account the cumulative impact of approximately 10-15 proposed development projects in Marina Del Rey, and likewise does not include updated comprehensive traffic studies for these related projects. Moreover, the proposed Time Share/Fractional ownership of units violates existing MDR LCP and The Coastal Act, as well as policy not to create another Marina City Club like structured development. Also, these projects fail to promote the small craft harbor and recreation purposes for which Marina del Rey was created, and negatively impede on view and wind corridors.

Please place our objections on the record as appropriate for further standing requirements. Thank you for assistance in these regards.

Sincerely,

Richard T. Miller, Esq.

Debbie Webb

Cc: Honorable Don Knabe, LA Board of Supervisor

Attachment 2

Letters received from other departments regarding the
Recirculated Draft Environmental Impact Report (RDEIR).



Metropolitan Transportation Authority

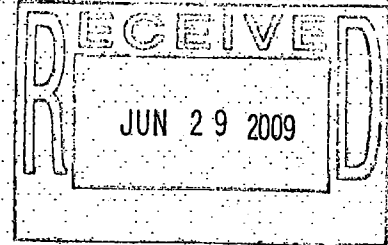
One Gateway Plaza
Los Angeles, CA 90012-2952

213-922-2000 Tel.
metro.net

Metro

June 26, 2009

Mr. Michael Tripp
County of Los Angeles
Department of Regional Planning
Special Projects Section, Room 1362
320 West Temple Street
Los Angeles, CA 90012



Dear Mr. Tripp:

Thank you for the opportunity to comment on the Recirculated Draft Environmental Impact Report (RDEIR) for the Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort project. This letter conveys recommendations from the Los Angeles County Metropolitan Transportation Authority (Metro) concerning issues that are germane to our agency's statutory responsibilities in relation to the proposed project.

The Traffic Impact Analysis prepared for the Recirculated Draft EIR satisfies the traffic requirements for the proposed project. However, the following issues were not addressed in the RDEIR and should be included for the Final EIR:

1. An analysis of the expected project impacts on current and future transit services along with proposed project mitigation;
2. Documentation on the assumptions/analyses used to determine the number and percentage of trips assigned to transit;
3. Information on facilities and/or programs that will be incorporated into the development plan that will encourage public transit usage and transportation demand management (TDM) policies and programs; and
4. Several corridors with Metro bus service could be impacted by the project. Metro Bus Operations Control Special Events Coordinator should be contacted at 213-922-4632 regarding construction activities that may impact Metro bus lines. Other Municipal Bus Service Operators including Culver City, LADOT, and Santa Monica's Big Blue Bus may also be impacted and therefore should be included in construction outreach efforts.

In addition, it does not appear as though the County of Los Angeles included Metro in the outreach efforts when the Notice of Preparation for the proposed project was open for public review between 3/22/2007 and 4/21/2007.

Metro looks forward to reviewing the Final EIR. If you have any questions regarding this response, please call me at 213-922-6908 or by email at chapmans@metro.net. Please send the Final EIR to the following address:

Metro CEQA Review Coordination
One Gateway Plaza MS 99-23-2
Los Angeles, CA 90012-2952
Attn: Susan Chapman

Sincerely,

A handwritten signature in cursive script, appearing to read "Susan Chapman", with a long horizontal flourish extending to the right.

Susan Chapman
Program Manager, Long Range Planning



DEPARTMENT OF CONSERVATION

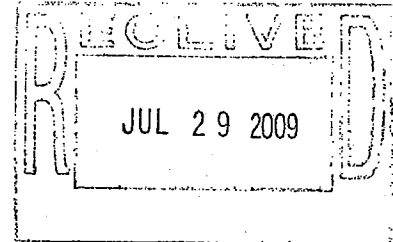
DIVISION OF OIL, GAS AND GEOTHERMAL RESOURCES

5816 Corporate Avenue • Suite 200 • CYPRESS, CALIFORNIA, 90630-4731

PHONE 714 / 816-6847 • FAX 714 / 816-6853 • WEBSITE conservation.ca.gov

July 28, 2009

Mr. Michael Tripp
County of Los Angeles, Department of Regional Planning
Special Projects Section, Room 1362
320 West Temple Street
Los Angeles, CA 90012



Subject: Notice of completion and Availability Recirculated Draft Environmental Impact Report for the Neptune Marina Apartments and Anchorage /Woodfin Suite Hotel and Timeshare Resort Project, SCH# 2007031114

Dear Mr. Tripp:

The Department of Conservation's Division of Oil, Gas, and Geothermal Resources (Division) has reviewed the above referenced Recirculated EIR for Los Angeles County Regional Planning Department. We offer the following comments for your consideration.

The Division is mandated by Section 3106 of the Public Resources Code (PRC) to supervise the drilling, operation, maintenance, and plugging and abandonment of wells for the purpose of preventing: (1) damage to life, health, property, and natural resources; (2) damage to underground and surface waters suitable for irrigation or domestic use; (3) loss of oil, gas, or reservoir energy; and (4) damage to oil and gas deposits by infiltrating water and other causes. Furthermore, the PRC vests in the State Oil and Gas Supervisor (Supervisor) the authority to regulate the manner of drilling, operation, maintenance, and abandonment of oil and gas wells so as to conserve, protect, and prevent waste of these resources, while at the same time encouraging operators to apply viable methods for the purpose of increasing the ultimate recovery of oil and gas.

The scope and content of information that is germane to the Division's responsibility are contained in Section 3000 et seq. of the Public Resources Code (PRC), and administrative regulations under Title 14, Division 2, Chapter 4, of the California Code of Regulations.

The proposed project is located inside the administrative boundaries of the Playa Del Rey oil field. There are two plugged and abandoned wells within or in proximity to the project boundaries. The well are identified as County of Los Angeles c/o R.A. Del Gu "Dow R.G.C." 9 and "Dow R.G.C." 10 on Division map 120 and in Division records. The Division recommends that all wells within or in close proximity to project boundaries be accurately plotted on future project maps.

Mr. Michael Tripp, Department of Regional Planning

July 28, 2009

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Building over or in the proximity of idle or plugged and abandoned wells should be avoided if at all possible. If this is not possible, it may be necessary to plug or re-plug wells to current Division specifications. Also, the State Oil and Gas Supervisor is authorized to order the reabandonment of previously plugged and abandoned wells when construction over or in the proximity of wells could result in a hazard (Section 3208.1 of the Public Resources Code). If abandonment or reabandonment is necessary, the cost of operations is the responsibility of the owner of the property upon which the structure will be located. Finally, if construction over an abandoned well is unavoidable an adequate gas venting system should be placed over the well.

Furthermore, if any plugged and abandoned or unrecorded wells are damaged or uncovered during excavation or grading, remedial plugging operations may be required. If such damage or discovery occurs, the Division's district office must be contacted to obtain information on the requirements for and approval to perform remedial operations.

To ensure proper review of building projects, the Division has published an informational packet entitled, "Construction Project Site Review and Well Abandonment Procedure" that outlines the information a project developer must submit to the Division for review. Developers should contact the Division Cypress district office for a copy of the site-review packet. The local planning department should verify that final building plans have undergone Division review prior to the start of construction.

Thank you for the opportunity to comment on the Recirculated Draft Environmental Impact Report. If you have questions on our comments, or require technical assistance or information, please call me at the Cypress district office: 5816 Corporate Avenue, Suite 200, Cypress, CA 90630-4731; phone (714) 816-6847.

Sincerely,



Paul Frost
Associate Oil & Gas Engineer
Division of Oil, Gas and Geothermal Resources
District 1 - Cypress

cc: State Clearinghouse
P.O. Box 3044
Sacramento, California 95812-3044

Adele Lagomarsino – Division Headquarters
Sacramento

CITY OF LOS ANGELES

CALIFORNIA



ANTONIO R. VILLARAIGOSA
MAYOR

December 17, 2008

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FAX: (323) 342-6210 OR 6211

File: SC.CB.

Michael Tripp
County of Los Angeles
Department of Regional Planning
Special Projects Section, Room 1362
320 West Temple Street,
Los Angeles, CA 90012

Dear Mr. Tripp:

FINAL RESPONSE: Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel & Timeshare Resort Project – Notice of Completion Draft EIR

This is in response to your October 21, 2008 letter requesting wastewater service information for the proposed project. The Bureau of Sanitation, Wastewater Engineering Services Division (WESD), has conducted a preliminary evaluation of the potential impacts to the wastewater system for the proposed project.

Projected Wastewater Discharges for the Proposed Project:

Type Description	Average Daily Flow per Type Description (GPD/UNIT)	Proposed No. of Units	Average Daily Flow (GPD)
Existing			
Residential (2BR)	160 GPD/DU	136 DU	(21,760)
Parking	20 GPD/1000 SQ.FT	89,298 SQ.FT	(1,785)
Proposed			
Residential (1BR)	120 GPD/DU	330 DU	39,600
Residential (2BR)	160 GPD/DU	196 DU	31,360
Single-Family Home	330 GPD/DU	136 DU	44,880
Hotel	130 GPD/DU	152 DU	19,760
Restaurant	300 GPD/1000 SQ.FT	6,105 SQ.FT	1,832
Health Club/Spa	800 GPD/1000 SQ.FT	5,555 SQ.FT	4,444
Ballroom	800 GPD/1000 SQ.FT	5,200 SQ.FT	4,160
Retail	80 GPD/1000 SQ.FT	1,176 SQ.FT	95
Total			122,586



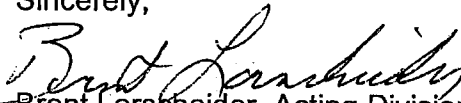
SEWER AVAILABILITY

The sewer infrastructure in the vicinity of the proposed project includes the existing 15-inch line on Via Dolce. The sewage from the existing 15-inch line flows into the Venice Pumping Plant on Hurricane Ave before discharging into a 48-inch force main on Hurricane St. Based on our gauging information, the current flow level (d/D) in the sewer system is as follows: 15-inch line is approximately 14% full. Based on our pumping information the Venice Pumping Plant appears to have capacity. The design capacities at d/D of 50% for the 15-inch line are 866,833 Gallons per Day, for the 21-inch line is 3.53 million Gallons per Day, for the 24-inch line is 4.24 million Gallons per Day, and for the 48-inch line is 40.43 million Gallons per Day.

Based on the estimated flows, it appears the sewer system might be able to accommodate the total flow for your proposed project. Further detailed gauging and evaluation may be needed as part of the permit process to identify a sewer connection point. If the local sewer line, the 15-inch lines to the 48-inch sewer line, has insufficient capacity then the developer will be required to build a secondary line to the nearest larger sewer line with sufficient capacity. A final approval for sewer capacity and connection permit will be made at that time. Ultimately, this sewage flow will be conveyed to the Hyperion Treatment Plant, which has sufficient capacity for the project.

If you have any questions, please call Abdul Danishwar of my staff at (323) 342-6220.

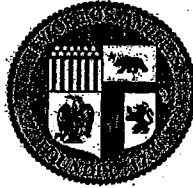
Sincerely,



Brent Lorscheider, Acting Division Manager
Wastewater Engineering Services Division
Bureau of Sanitation

CITY OF LOS ANGELES

CALIFORNIA



ANTONIO R. VILLARAIGOSA
MAYOR

DEPARTMENT OF
PUBLIC WORKS

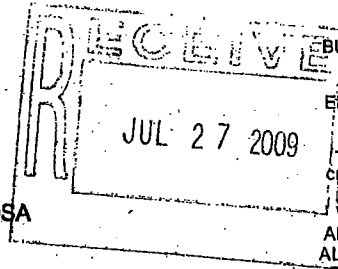
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VALERIE LYNNE SHAW

July 10, 2009

Michael Tripp
County of Los Angeles
Department of Regional Planning
Special Projects Section, Room 1362
320 West Temple Street
Los Angeles, CA 90012

File: SC.CE.

Subject: **Neptune Marina Apartments and Anchorage or Woodfin Suite Hotel & Timeshare Resort Project – Notice of Completion Recirculated Draft EIR**

This is in response to your June 9, 2009 letter requesting a review of your proposed project. The Bureau of Sanitation has conducted a preliminary evaluation of the potential impacts to the wastewater and stormwater systems for the proposed project.

WASTEWATER REQUIREMENT

The Bureau of Sanitation, Wastewater Engineering Services Division (WESD) is charged with the task of evaluating the local sewer conditions and to determine if available wastewater capacity exists for future developments. The evaluation will determine cumulative sewer impacts and guide the planning process for any future sewer improvements projects needed to provide future capacity as the City grows and develops.

Projected Wastewater Discharges for the Proposed Project:

Type Description	Average Daily Flow per Type Description (GPD/UNIT)	Proposed No. of Units	Average Daily Flow (GPD)
<i>Existing</i>			
Residential	150 GPD/DU	136 DU	(20,400)
<i>Proposed</i>			
Neptune Marina Apartments and Anchorage			
Residential: 1-BR	150 GPD/DU	330 DU	49,500
Residential: 2-BR	200 GPD/DU	196 DU	39,200
Woodfin Suite Hotel and Timeshare Resort			
Hotel	150 GPD/DU	152 DU	22,800
Residential: 1-BR	150 GPD/DU	68 DU	10,200
Residential: 2-BR	200 GPD/DU	68 DU	13,600



Restaurant	300 GPD/1000 SQ.FT	82,652 SQ.FT	24,796
Total			139,696

SEWER AVAILABILITY

The sewer infrastructure in the vicinity of the proposed project includes the existing 15-inch line on Via Dolce. The sewage from the existing 15-inch line flows into a 21-inch line on Esplanade and through the Venice Pumping Plant on Hurricane Ave before discharging into the 48-inch Coastal Interceptor Sewer (CIS) force main on Hurricane St. The current flow level (d/D) in the 21-inch line cannot be determined at this time. According to our existing pumping data, the Venice Pumping Plant appears to have capacity.

Based on our existing gauging information, the current approximate flow level (d/D) and the design capacities at d/D of 50% in the sewer system are as follows:

Pipe Diameter (in)	Pipe Location	Current Gauging d/D (%)	50% Design Capacity
15	Via Dolce	14	866,833 GPD
21	Esplanade	*	3.53 MGD

* No gauging available

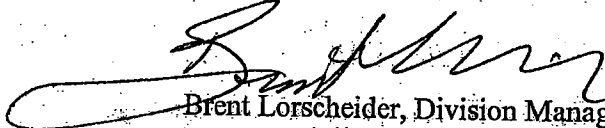
Based on the estimated flows, it appears the sewer system might be able to accommodate the total flow for your proposed project. Further detailed gauging and evaluation will be needed as part of the permit process to identify a sewer connection point. If the public sewer has insufficient capacity then the developer will be required to build sewer lines to a point in the sewer system with sufficient capacity. A final approval for sewer capacity and connection permit will be made at that time. Ultimately, this sewage flow will be conveyed to the Hyperion Treatment Plant, which has sufficient capacity for the project.

If you have any questions, please call Abdul Danishwar of my staff at (323) 342-6220.

SOLID RESOURCE REQUIREMENTS

The City has a standard requirement that apply to all proposed residential developments of four or more units or where the addition of floor areas is 25 percent or more, and all other development projects where the addition of floor area is 30 percent or more. Such developments must set aside a recycling area or room for onsite recycling activities. For more details of this requirement, please contact Special Projects Division.

Special Projects staff is available at your request to provide guidance on solid resource issues. Should you have any questions, please contact Daniel Hackney at (213)485-3684.


Brent Lorscheider, Division Manager
Wastewater Engineering Services Division

cc: Mehr Irani, BOS
Daniel Hackney, BOS
Rowena Lau, BOS

Michael,

I am calculating the sewer rates for the proposed project but am unclear of the generation rates used in Table 5.8-2 of the Recirculated EIR. I can use the values provided in Table 5.8-2, but for future reference, the developers must use the proper values. Please see attached for the correct generation rates and use for your reference. Thank you and please let me know if you have any questions/concerns.

Denise Chow
Environmental Engineering Associate
Wastewater Engineering Services Division Bureau of Sanitation Department of
Public Works City of Los Angeles
(323) 342-1564
Denise.Chow@lacity.org

FACILITY DESCRIPTION	SFC / CREDIT RATE (DOLLARS) 7/1/94 TO PRESENT	SFC / CREDIT RATE (DOLLARS) FROM 6/16/70 TO 7/1/94	SFC FLOW RATE (GPD)	BOD (mg/l)	SS (mg/l)
ACUPUNCTURE OFFICE/CLINIC	441/KGSF	882/KGSF	150/1000 GR.SQ.FT.	130	80
ARCADE - VIDEO GAMES	246/KGSF	308/KGSF	80/1000 GR.SQ.FT.	150	150
AUDITORIUM	12/SEAT	15/SEAT	4/SEAT	150	150
AUTO PARKING	61/KGSF	76/KGSF	20/1000 GR.SQ.FT.	150	150
AUTO BODY/MECH. REPAIR SHOP (may need Industrial Waste Permit)	246/KGSF (domestic portion if any) and Ave. Process Flow for the industrial portion	308/KGSF (domestic portion if any) and Ave. Process Flow for the industrial portion	80/1000 GR.SQ.FT. (DOMESTIC) Avg. Process Flow (INDUSTRIAL)	180	280
BAKERY	1412/KGSF	1513/KGSF	280/1000 GR.SQ.FT.	1,000	600
BANK: HEADQUARTERS	441/KGSF	588/KGSF	150/1000 GR.SQ.FT.	130	80
BANK: BRANCH	246/KGSF	308/KGSF	80/1000 GR.SQ.FT.	150	150
BANQUET ROOM/BALLROOM	4035/KGSF	6725/KGSF	800/1000 GR.SQ.FT.	1,000	600
BAR: COCKTAIL, FIXED SEAT	58/SEAT	64/SEAT	18/SEAT	200	200
BAR: JUICE, NO BAKING FACILITIES	386/KGSF	322/KGSF	120/1000 GR.SQ.FT.	200	200
BAR: JUICE, WITH BAKING FACILITIES	1412/KGSF	1513/KGSF	280/1000 GR.SQ.FT.	1,000	500
BAR: COCKTAIL, PUBLIC TABLE AREA	2522/KGSF	6725/KGSF	500/1000 GR.SQ.FT.	1,000	600
BARBER SHOP	307/KGSF	307/KGSF	100/1000 GR.SQ.FT.	150	150
BEAUTY PARLOR	859/KGSF	920/KGSF	280/1000 GR.SQ.FT.	150	150
BUILDING CONSTRUCTION / FIELD OFFICE	460/OFFICE	613/OFFICE	150/OFFICE	150	150
BOWLING ALLEY: ALLEY, LANES & LOBBY AREA	246/KGSF	308/KGSF	80/1000 GR.SQ.FT.	150	150
BOWLING FACILITY:	SFC=Sum of SFCs for all areas, based on individual uses and SGFs	SFC=Sum of SFCs for all areas, based on individual uses and SGFs	SFC = Sum of SFC's for all areas, based on individual SGF's		
ARCADE/BAR/RESTAURANT/DANCING	151/SEAT	252/SEAT	30/SEAT	1,000	600
CAFETERIA: FIXED SEAT					
CAR WASH: AUTOMATIC - Bureau of Sanitation will determine the flow and rate based on quality of discharged water (may need Industrial Waste Permit)	Avg. Process Flow	Avg. Process Rate	Avg. Process Flow	20	150
CAR WASH: COIN OPERATED BAYS- Bureau of Sanitation will determine the flow and rate based on quality of discharged water (may need Industrial Waste Permit)	Avg. Process Flow	2,060/BAY	Avg. Process Flow	20	150
CAR WASH: HAND WASH - Bureau of Sanitation will determine the flow and rate based on quality of discharged water (may need Industrial Waste Permit)	Avg. Process Flow	Avg. Process Rate	Avg. Process Flow	20	150
CAR WASH: COUNTER & SALES AREA	246/KGSF	308/KGSF	80/1000 GR.SQ.FT.	20	150
CHAPEL: FIXED SEAT	12/SEAT	15/SEAT	4/SEAT	150	150
CHIROPRACTIC OFFICE	441/KGSF	882/KGSF	150/1000 GR.SQ.FT.	130	80
CHURCH: FIXED SEAT	12/SEAT	15/SEAT	4/SEAT	150	150
SCHOOL: DAY CARE/ELEMENTARY	24/OCCUPANT	30/CHILD	8/OCCUPANT	130	100

FACILITY DESCRIPTION	SFC / CREDIT RATE (DOLLARS) 7/1/94 TO PRESENT	SFC / CREDIT RATE (DOLLARS) FROM 6/16/70 TO 7/1/94	SFC FLOW RATE (GPD)	BOD (mg/l)	SS (mg/l)
CHURCH SCHOOL: ONE DAY USE	593/KGSF	741/KGSF	200/1000 GR.SQ.FT.	130	100
COCKTAIL LOUNGE: FIXED SEAT (no prepared food served)	58/SEAT	64/SEAT	18/SEAT	200	200
COFFEE HOUSE: NO PASTRY BAKING & FOOD PREPARATION	386/KGSF	322/KGSF	120/1000 GR.SQ.FT.	200	200
COFFEE HOUSE: PASTRY BAKING ONLY (may need Industrial Waste Permit)	1412/KGSF	1513/KGSF	280/1000 GR.SQ.FT.	1,000	600
COFFEE HOUSE: SERVES PREPARED FOOD	151/SEAT	252/SEAT	30/SEAT	1,000	600
COLD STORAGE: NO SALES	52/KGSF	65/KGSF	20/1000 GR.SQ.FT.	150	150
COLD STORAGE: RETAIL SALES	210/KGSF	263/KGSF	80/1000 GR.SQ.FT.	150	150
COMFORT STATION: PUBLIC	307/FIXTURE	386/FIXTURE	100/FIXTURE	150	150
COMMERCIAL USE	246/KGSF	308/KGSF	80/1000 GR.SQ.FT.	150	150
COMMUNITY CENTER	12/OCCUPANT	15/OCCUPANT	4/OCCUPANT	150	150
CONFERENCE ROOM OF AN OFFICE BUILDING.	Same as other areas in an office building	Same as other areas in an office building	Same as other areas in an office bldg.	130	80
COUNSELING CENTER	441/KGSF	588/KGSF	150/1000 GR.SQ.FT.	130	80
CREDIT UNION	460/KGSF	613/KGSF	150/1000 GR.SQ.FT.	150	150
DAIRY- Bureau of Sanitation will determine the flow and rate based on quality of discharged water (may need Industrial Waste Permit)	Avg. Process Flow	Avg. Process Rate	Avg. Process Flow	2,369	922
DAIRY: BARN- Bureau of Sanitation will determine the flow and rate based on quality of discharged water (may need Industrial Waste Permit)	Avg. Process Flow	Avg. Process Rate	Avg. Process Flow	2,213	1,453
DAIRY: RETAIL AREA	246/KGSF	308/KGSF	80/1000 GR.SQ.FT.	150	150
DANCING AREA (within bars and night club)	1913/KGSF	2299/KGSF	600/1000 GR.SQ.FT.	200	200
DANCE STUDIO	246/KGSF	308/KGSF	80/1000 GR.SQ.FT.	150	150
DENTAL OFFICE/CLINIC	734/KGSF	881/KGSF	250/1000 GR.SQ.FT.	130	80
DOUGHNUT SHOP	1412/KGSF	1513/KGSF	280/1000 GR.SQ.FT.	1,000	600
DRUG REHABILITATION CENTER	441/KGSF	882/KGSF	150/1000 GR.SQ.FT.	130	80
EQUIPMENT BOOTH	61/KGSF	76/KGSF	20/1000 GR.SQ.FT.	150	150
FILM PROCESSING - 1 HOUR PHOTO, etc.	262/KGSF	262/KGSF	100/1000 GR.SQ.FT.	150	150
FILM PROCESSING - INDUSTRIAL- Bureau of Sanitation will determine the flow and rate based on quality of discharged water for the industrial portion (may need Industrial Waste Permit)	246/KGSF (domestic portion if any) and Ave. Process Flow for the industrial portion	308/KGSF (domestic portion if any) and Ave. Process Flow for the industrial portion	80/1000 GR.SQ.FT. (DOMESTIC) Avg. Process Flow (INDUSTRIAL)	150,160	15,060

FACILITY DESCRIPTION	SFC / CREDIT RATE (DOLLARS) 7/1/94 TO PRESENT	SFC / CREDIT RATE (DOLLARS) FROM 6/16/70 TO 7/1/94	SFC FLOW RATE (GPD)	BOD (mg/l)	SS (mg/l)
FOOD PROCESSING PLANT Bureau of Sanitation will determine the flow and rate based on quality of discharged water for the industrial portion (may need Industrial Waste Permit)	246/KGSF (domestic portion if any) and Ave. Process Flow for the industrial portion	308/KGSF (domestic portion if any) and Ave. Process Flow for the industrial portion	80/1000 GR.SQ.FT. (DOMESTIC) Avg. Process Flow (INDUSTRIAL)	1,502,213	1,501,453
GAS STATION: SELF SERVICE (any mini mart is retail area)	330/TOILET	396/TOILET	100/W.C.	180	280
GAS STATION: FOUR BAYS MAX	1420/STATION	1420/STATION	430/STATION	180	280
GOLF COURSE: 18 HOLE/9 HOLE GREEN AREA	0	0	0	150	150
GOLF COURSE: DRIVING RANGE	0	0	0	150	150
GOLF COURSE FACILITY: LOBBY/OFFICE/RESTAURANT/BAR	SFC = SUM OF SFCs FOR ALL AREAS BASED ON INDIVIDUAL SGFs	Sum of all areas	SFC = Sum of SFC's for all areas, based on individual SGF's		
GYMNASIUM - BASKETBALL, VOLLEYBALL	767/KGSF	920/KGSF	250/1000 GR.SQ.FT.	150	150
HANGER (AIRCRAFT)	246/KGSF	308/KGSF	80/1000 GR.SQ.FT.	180	280
HEALTH CLUB/SPA (Industrial Permit may be required)	2455/KGSF	921/KGSF	800/1000 GR.SQ.FT.	150	150
HOMELSS SHELTER	244/BED	277/BED	75/BED	215	205
HOSPITAL	237/BED	269/BED	75/BED	250	100
HOSPITAL: CONVALESCENT	237/BED	269/BED	75/BED	250	100
HOSPITAL: ANIMAL	859/KGSF	920/KGSF	280/1000 GR.SQ.FT.	150	150
HOSPITAL: PSYCHIATRIC	75/BED	85/BED	75/BED	215	205
HOSPITAL: SURGICAL	244/BED	277/BED	450/BED	250	100
HOTEL: USE GUEST ROOMS ONLY	426/ROOM	492/ROOM	130/ROOM	310	120
JAIL	279/INMATE	278/INMATE	85/INMATE	310	120
KENNEL: DOG KENNEL/OPEN	307/KGSF	307/KGSF	100/1000 GR.SQ.FT.	150	150
LABORATORY: COMMERCIAL	655/KGSF	786/KGSF	250/1000 GR.SQ.FT.	339	151
LABORATORY: INDUSTRIAL - Bureau of Sanitation will determine the flow and rate based on quality of discharged water (Industrial Permit may be required)	Avg. Process Flow	Avg. Process Rate	Avg. Process Flow	339	151
LAUNDROMAT (Industrial Permit may be required)	512/MACHINE	663/MACHINE	170/MACHINE	150	110
LIBRARY: PUBLIC AREA	246/KGSF	308/KGSF	80/1000 GR.SQ.FT.	150	150
LIBRARY: STACKS, STORAGE	77/KGSF	77/KGSF	25/1000 GR.SQ.FT.	150	150
LOBBY (lounges, holding room or waiting area) OF RETAIL	246/KGSF	308/KGSF	80/1000 GR.SQ.FT.	150	150
LODGE HALL	12/SEAT	15/SEAT	4/SEAT	150	150
LOUNGE	246/KGSF	308/KGSF	80/1000 GR.SQ.FT.	200	200

FACILITY DESCRIPTION	SFC / CREDIT RATE (DOLLARS) 7/1/94 TO PRESENT	SFC / CREDIT RATE (DOLLARS) FROM 6/16/70 TO 7/1/94	SFC FLOW RATE (GPD)	BOD (mg/l)	SS (mg/l)
MACHINE SHOP INDUSTRIAL - Bureau of Sanitation will determine the flow and rate based on quality of discharged water (Industrial Permit may be required)	246/KGSF (domestic portion if any) and Ave. Process Flow for the industrial portion	308/KGSF (domestic portion if any) and Ave. Process Flow for the industrial portion	80/1000 GR.SQ.FT. (DOMESTIC)Avg. Process Flow (INDUSTRIAL)	150,290	150,550
MANUFACTURING OR INDUSTRIAL FACILITY- Bureau of Sanitation will determine the flow and rate based on quality of discharged water (Industrial Permit may be required)	246/KGSF (domestic portion if any) and Ave. Process Flow for the industrial portion	308/KGSF (domestic portion if any) and Ave. Process Flow for the industrial portion	80/1000 GR.SQ.FT. (DOMESTIC)Avg. Process Flow (INDUSTRIAL)	150	150
MESSAGE PARLOR	844/KGSF	921/KGSF	275/1000 GR.SQ.FT.	150	150
MEDICAL BUILDING	734/KGSF	881/KGSF	250/1000 GR.SQ.FT.	130	80
MEDICAL: LAB IN HOSPITAL	655/KGSF	786/KGSF	250/1000 GR.SQ.FT.	331	151
MEDICAL OFFICE/CLINIC	734/KGSF	881/KGSF	250/1000 GR.SQ.FT.	130	80
MINI-MALL	330/KGSF	825/KGSF	80/1000 GR.SQ.FT.	600	400
MORTUARY: CHAPEL	12/SEAT	19/SEAT	5/7 GR. SQ. FT.	800	800
MORTUARY: LIVING AREA	246/KGSF	308/KGSF	4/SEAT 80/1000 GR.SQ.FT.	150	150
			SFC=Sum of SFCs for all areas, based on individual SGFs	215	205
MOTEL: USE GUEST ROOMS ONLY	426/ROOM	492/ROOM	130/ROOM	310	120
MUSEUM: ALL AREA	61/KGSF	76/KGSF	20/1000 GR.SQ.FT.	150	150
MUSEUM: OFFICE OVER 15% OF THE TOTAL AREA	460/KGSF	613/KGSF	150/1000 GR.SQ.FT.	150	150
MUSEUM: SALES AREA	246/KGSF	308/KGSF	80/1000 GR.SQ.FT.	150	150
OFFICE BUILDING	449/KGSF	599/KGSF	150/1000 GR.SQ.FT.	130	80
OFFICE BLDG W/COOLING TOWER	539/KGSF	719/KGSF	180/1000 GR.SQ.FT.	108	67
PLATING PLANT- Bureau of Sanitation will determine the flow and rate based on quality of discharged water (Industrial Permit may be required)	246/KGSF (domestic portion if any) and Ave. Process Flow for the industrial/commercial portion	308/KGSF (domestic portion if any) and Ave. Process Flow for the industrial/commercial portion	80/1000 GR.SQ.FT. (DOMESTIC)Avg. Process Flow (INDUSTRIAL)	150	150
POOL HALL (NO ALCOHOL)	246/KGSF	308/KGSF	80/1000 GR.SQ.FT.	150	150
POST OFFICE: FULL SERVICE	460/KGSF	386/KGSF	150/1000 GR.SQ.FT.	150	150
POST OFFICE: PRIVATE MAIL BOX RENTAL	246/KGSF	308/KGSF	80/1000 GR.SQ.FT.	150	150
PRISONS	574/INMATE	5745/INMATE	175/INMATE	310	120
RESIDENTIAL DORM: COLLEGE OR RESIDENTIAL	244/STUDENT	277/STUDENT	75/STUDENT	215	205
RESIDENTIAL: BOARDING HOUSE	244/BED	277/BED	75/BED	215	205
RESIDENTIAL: APT - BACHELOR	260/DWELLING	325/DWELLING	80/DU	215	205
RESIDENTIAL: APT - 1 BDRM.	390/DWELLING	487/DWELLING	120/DU	215	205

FACILITY DESCRIPTION	SFC / CREDIT RATE (DOLLARS) 7/1/94 TO PRESENT	SFC / CREDIT RATE (DOLLARS) FROM 6/16/70 TO 7/1/94	SFC FLOW RATE (GPD)	BOD (mg/l)	SS (mg/l)
RESIDENTIAL: APT - 2 BDRM.	520/DWELLING	650/DWELLING	160/DU	215	205
RESIDENTIAL: APT - 3 BDRM.	650/DWELLING	812/DWELLING	200/DU	215	205
RESIDENTIAL: APT - >3 BDRM.	130/ADDNL. BDRM.	812/DWELLING	40 PER ADDITIONAL BEDROOM	215	205
RESIDENTIAL: CONDO - 1 BDRM.	390/DWELLING	478/DWELLING	120/DU	215	205
RESIDENTIAL: CONDO - 2 BDRM.	520/DWELLING	650/DWELLING	160/DU	215	205
RESIDENTIAL: CONDO - 3 BDRM.	650/DWELLING	813/DWELLING	200/DU	215	205
RESIDENTIAL: CONDO - >3 BDRM.	130/ADDNL. BDRM.	813/DWELLING	40 PER ADDITIONAL BEDROOM	215	205
RESIDENTIAL: DUPLEX/TOWNHOUSE/SFD - 1 BDRM.	422/DWELLING	974/DWELLING - DUPLEX1072/DWELLING - SFD	130/DU	215	205
RESIDENTIAL: DUPLEX/TOWNHOUSE/SFD - 2 BDRM.	585/DWELLING	974/DWELLING - DUPLEX1072/DWELLING - SFD	180/DU	215	205
RESIDENTIAL: DUPLEX/TOWNHOUSE/SFD - 3 BDRM.	747/DWELLING	974/DWELLING - DUPLEX1072/DWELLING - SFD	230/DU	215	205
RESIDENTIAL: DUPLEX/TOWNHOUSE/SFD - >3 BDRM.	162/ADDL BDRM.	974/DWELLING - DUPLEX1072/DWELLING - SFD	50 PER ADDITIONAL BDR	215	205
RESIDENTIAL ROOM ADDITION: BDRM.	162/BDRM.		0 50/BDR	215	205
RESIDENTIAL ROOM ADDITION: OTHER THAN BDRM.		0	0 0	0	0
RESIDENTIAL ROOM CONVERSION: INTO A BEDROOM	162/BDRM.		0 50/BDR	215	205
RESIDENTIAL ROOM CONVERSION: INTO A ROOM OTHER THAN A BEDROOM		0	0 0	0	0
RESIDENTIAL: MOBILE HOME	520/DWELLING	650/DWELLING	160/DU	215	205
RESIDENTIAL: ARTIST WORK AREA (2/3 OF TOTAL AREA)	246/KGSF	308/KGSF	250/DU	215	205
RESIDENTIAL: ARTIST RESIDENCE (1/3 OF THE TOTAL AREA)	260/DWELLING	325/DWELLING	80/DU	215	205
RESIDENTIAL: GUEST HOME WITH KITCHEN	SAME AS RESIDENTIAL APT.		Same as Residential Apartment	215	205
RESIDENTIAL: GUEST HOME W/O KITCHEN	153/BDRM.	306/BDRM.	50 PER BDR	150	150
REST HOME	237/BED	269/BED	75/BED	250	100

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RESTAURANT: DRIVE-IN	202/STALL	505/STALL	40/STALL	1,000	600
RESTAURANT: DRIVE-IN	101/SEAT	253/SEAT	20/SEAT	1,000	600
RESTAURANT: FAST FOOD INDOOR SEAT	101/SEAT	172/SEAT	20/SEAT	1,000	600
RESTAURANT: FAST FOOD OUTDOOR SEAT	61/SEAT	102/SEAT	12/SEAT	1,000	600
RESTAURANT: FULL SERVICE INDOOR SEAT	151/SEAT	252/SEAT	30/SEAT	1,000	600
RESTAURANT: FULL SERVICE OUTDOOR SEAT	91/SEAT	152/SEAT	18/SEAT	1,000	600
RESTAURANT: TAKE-OUT	1513/KGSF	1513/KGSF	300/1000 GR.SQ.FT.	1,000	600
RETAIL AREA	246/KGSF	308/KGSF	80/1000 GR.SQ.FT.	150	150
RIFLE RANGE: SHOOTING STALLS, SHOOTING LANES, LOBBY AREA	246/KGSF	308/KGSF	80/1000 GR.SQ.FT.	150	150
RIFLE RANGE FACILITY: BAR/RESTAURANT	SFC=Sum of SFCs for all areas based on individual SGFs	N/A	SFC = Sum of SFC's for all areas, based on individual SGF's		
SCHOOL: ARTS/DANCING/MUSIC	237/KGSF	296/KGSF		80/1000 G	130
SCHOOL: DAY CARE CENTER	24/CHILD	30/CHILD	8/CHILD	130	100
SCHOOL: ELEMENTARY/JR. HIGH	24/STUDENT	30/STUDENT	8/STUDENT	130	100
SCHOOL: HIGH SCHOOL	36/STUDENT	45/STUDENT	12/STUDENT	130	100
SCHOOL: KINDERGARTEN	593/KGSF	847/KGSF	200/1000 GR.SQ.FT.	130	100
SCHOOL: MARTIAL ARTS	246/KGSF	308/KGSF	80/1000 GR.SQ.FT.	130	100
SCHOOL: NURSERY - DAY CARE	24/CHILD	30/CHILD	8/CHILD	130	100
SCHOOL: SPECIAL CLASS	24/STUDENT	30/STUDENT	8/STUDENT	130	100
SCHOOL: TRADE OR VOCATIONAL	36/STUDENT	45/STUDENT	12/STUDENT	130	100
SCHOOL: TRAINING	36/STUDENT	45/STUDENT	12/STUDENT	130	100
SCHOOL: UNIVERSITY/COLLEGE	53/STUDENT	59/STUDENT	18/STUDENT	130	100
SCHOOL: DORMITORY	244/STUDENT	277/STUDENT	75/STUDENT	215	205
SCHOOL: STADIUM, PAVILION	12/SEAT	15/SEAT	4/SEAT	150	150
SPA/JACUZZI (Commercial with backwash filters) - Bureau of Sanitation will determine the flow and rate based on quality of discharged water (Industrial Permit may be required)	Avg. Backwash Flow		Avg. Backwash Flow	150	150
STORAGE: BUILDING/WAREHOUSE	52/KGSF		0		
STORAGE: SELF-STORAGE BUILDING	61/KGSF	65/KGSF	20/1000 GR.SQ.FT.	150	150
STORE: ICE CREAM/YOGURT	403/KGSF	76/KGSF	20/1000 GR.SQ.FT.	150	150
STORE: RETAIL	246/KGSF	504/KGSF	80/1000 GR.SQ.FT.	1,000	600
		308/KGSF	80/1000 GR.SQ.FT.	150	150

FACILITY DESCRIPTION	SFC / CREDIT RATE (DOLLARS) 7/1/94 TO PRESENT	SFC / CREDIT RATE (DOLLARS) FROM 6/16/70 TO 7/1/94	SFC FLOW RATE (GPD)	BOD (mg/l)	SS (mg/l)
STUDIO: FILM/TV - AUDIENCE VIEWING ROOM	12/SEAT	15/SEAT	4/SEAT	150	150
STUDIO: FILM/TV - REGULAR USE INDOOR FILMING AREA	246/KGSF	308/KGSF	80/1000 GR.SQ.FT.	150	150
STUDIO: FILM/TV - FILM PROCESS/MACHINE SHOP. Bureau of Sanitation will determine the flow and rate based on quality of discharged water (Industrial Permit may be required)	246/KGSF (domestic portion if any) and Ave. Process Flow for the industrial portion	308/KGSF (domestic portion if any) and Ave. Process Flow for the industrial portion	80/1000 GR.SQ.FT. (DOMESTIC) Avg. Process Flow (INDUSTRIAL)	150	150
STUDIO: RECORDING	246/KGSF	308/KGSF	80/1000 GR.SQ.FT.	150	150
SWIMMING POOL (Commercial with backwash filters)	Avg. Backwash Flow	Avg. Backwash Rate	Avg. Backwash Flow		
SWIMMING POOL (Residential with replaceable filter cartridges)	0	0	0	0	0
TANNING SALON: INDEPENDENT, NO SHOWER	246/KGSF	308/KGSF	80/1000 GR.SQ.FT.	150	150
TANNING SALON: WITHIN A HEALTH SPA/CLUB	2096/KGSF	786/KGSF	800/1000 GR.SQ.FT.	150	150
THEATER: DRIVE-IN	31/VEHICLE	37/VEHICLE	10/VEHICLE	150	150
THEATER: LIVE/MUSIC/OPERA	12/SEAT	15/SEAT	4/SEAT	150	150
THEATER: CINEMA	12/SEAT	15/SEAT	4/SEAT	150	150
TRACT: COMMERCIAL/RESIDENTIAL	4127/ACRE	AS PAID	1/ACRE	215	205
TRAILER: CONST./FIELD OFFICE	450/OFFICE	613/OFFICE	150/OFFICE	150	150
VETERINARY CLINIC/OFFICE	823/KGSF	882/KGSF	280/1000 GR.SQ.FT.	130	80
WAREHOUSE	52/KGSF	65/KGSF	20/1000 GR.SQ.FT.	150	150
WAREHOUSE W/OFFICE	CHARGE EACH FACILITY SEPARATELY	65/KGSF - WRHSE599/KGSF - OFFICE	CHARGE EACH FACILITY SEPARATELY		
WASTE DUMP: RECREATIONAL	1320/STATION	1320/STATION	430/STATION	150	150
WINE TASTING ROOM: KITCHEN	692/KGSF	692/KGSF	215/1000 GR.SQ.FT.	150	150
WINE TASTING ROOM: ALL AREA	258/KGSF	323/KGSF	80/1000 GR.SQ.FT.	150	150

Attachment 3

Letters received from the public regarding the
Recirculated Draft Environmental Impact Report (RDEIR).

JUL 06 03 11:35a 11 p.1
To: Michael Tripp

LA Dept. of Reg. Planning

Re: R2006-03647
R2006-03652

TR067861

R2006-03643

R2006-03644

FAX 213 626-0434

By FAX

To: the LA Dept. of
Reg. Planning
Michael Tripp

No one wants

These oversized

GREEDY DEVELOPER
Projects!!

Please do NOT

Capitulate to
egos & money.
Enough!!

Tripp, Michael

From: Daniel Henry Gottlieb [daniel.gottlieb@gmail.com]
Sent: Monday, July 27, 2009 9:14 AM
To: Tripp, Michael; zev@bos.lacounty.gov; molina@bos.lacounty.gov; ridley-thomas@bos.lacounty.gov; knabe@bos.lacounty.gov; antonovich@bos.lacounty.gov
Cc: Leslie Dutton; FreeRichardFine@gmail.com
Subject: Revised Comments to Neptune et al RDEIR

Dear Mike,

Please note that this email is addressed to the members of the L. A. County Board of Supervisors as well as to you, with copies to the media and the press. As today is the last day for public comment on the Revised Draft Environmental Impact Report of the Neptune Project in Marina del Rey, it is important that the public is made aware of the on going community concerns about the development process following the Law. It is for that reason that I have agreed to distribute this document to the following media before today's deadline. Copies of this email will be distributed to:

City News Service,
So Cal News Service
The Argonaut,
Full Disclosure Network
Los Angeles Times
CityWatchla.com
RonKayela.org,
laobserved.com,
L A Weekly

FreeRichardFine@aol.com

You haven't replied to my questions over the last few weeks about:

How does the Final action name a new lessee, **North Point Venture**, for the Shores project without signing a new lease?

Will the Neptune **avoid** applying for an off-site transport Conditional Use Permit like the Shores did?

Where are the **original documents** on the Noise study 5.2 of the RDEIR which are implied by the cross through lines and the underlines which render the 'edited' document unreadable?

Mike, because of the fact that for the Shores Project, important letters failed to appear in the Final EIR, I would like to ask you to send me a **confirmation** that Impact Sciences has received this letter. Also I ask that you replace the old July 24, 2009 letter with the attached July 27, 2009 updated letter. If you can't, that's OK, the July 27 letter has only minor corrections made to it. the only substantial change I would make is to add a paragraph advancing an explanation of why the level of sophistry in the newer Neptune Project is so much higher and more obvious in the newer Neptune RDEIR than it is in the older Woodfin (= Neptune) DEIR and in the Shores EIR. I will put it in as a Post Script to this covering letter, since it involves a dramatic human interest story, which is the main grist for the media these days.

Thanks for your previous and anticipated help Mike,

Dan

PS. The main reason for the leap in the level of sophistry in the Neptune's RDEIR over the earlier DEIR and over the Successful Shores EIR is that the Shores was successful. If the Shores could get out of applying for a permit, why couldn't the Neptune similarly avoid applying for the same permit? If the Shores can succeed by changing the parameters of their construction plan without analyzing the new impacts, why couldn't the Neptune? Etc. How did the Shores succeed. Because our brilliant inexpensive lawyer, Richard I. Fine, US Supreme Court litigator and Federal Prosecutor, was disbarred, and hounded into jail by the Shores and Neptune lawyers. Hence he was not available to prosecute the Marina Strand Colony II's case against the Shores. Indeed, the intimidated Board of Directors of MSCII declined to appeal the Board of Supervisors reinstatement of the Shores permits. If that's what happens to our lawyer, what will happen to us by fighting the developers? If the Shores were penalized for its sophistry, the level of future sophistry would decrease, instead of leaping higher to a new level.

Mr. Michael Tripp,
Department of Regional Planning

July 27, 2009

Please submit this email for the record for the RDEIR of the Neptune, Woodfin, et al.
Also please distribute this email to the Regional Planning Board.

I am opposed to this project as a NIMBY because it will cause enormous noise and vibrations from our front on via Dolce and from our rear with contemporaneous construction noise from the Shores project which will be occurring at the same time. Clouds of dust borne by easterly winds will pollute our lungs and dirty our homes. When the long process of constructing the Shores, the sewer, the Woodfin skyscraper and the Neptune finally ends, our scenic highway via Marina, will be bordered by ugly large buildings out of character with the present low rise residential areas. The peace of the residential neighborhood will be broken by a large hotel deep in its middle with traffic all night and garbage and service trucks all day.

I am opposed to the Neptune project as a CITIZEN, because I don't want this country to turn into a third world country. The already approved Shores project has the **same lawyers and consultants** as the Neptune Project. The sophistry of the Shores which was unpunished, metastasized in this RDEIR of the Neptune project. One expects, that if it is rewarded, the next projects will even be more blatantly manipulated. The same type of sophistry which underlies our economic collapse permeates the MdR development process. When it becomes too blatant, our legal system will collapse or lose the confidence of the World.

Cross-Through Confusion

The worst example is the use of cross-through lines to confuse the reader. The Shores DEIR had a figure which showed the height above grade of the building. For the FEIR the grading and number of levels of subterranean garages changed, so one would expect the heights of the buildings would change. The Figure purporting to show the change had cross-through lines obscuring the old numbers and the new numbers. So there is no clear statement of the change of height above grade of the buildings. Also, there is **no statement** of the **absolute height** above sea level of the buildings.

The REIR of the Neptune project used a crossed through table to confuse the amount of off-site cubic yards transport. The Notice of Preparation of the Woodfin = the Neptune announced that the different components of the project would each ask for a Conditional Use Permit for offsite transport. When we saw this, we asked why the Shores did not say they would apply for a CUP. The answer came at the December 16, 2008 Board of

Supervisors hearing on the Shores project. There the Shores lawyer implied under **oath** that 92,000 cubic yards of debris and 25,000 cubic yards of soil did not exceed 100,000 cubic yards of material.

Off Site Transported Out

When we saw the RDEIR of the Neptune, the first thing we looked for was the treatment of the CUP for offsite transport. We never saw any specific wording of their obligation to apply for one. We did find a paragraph summary of the amount of grading and exported debris and soil, but the description was contained in a paragraph which confused the total amount of exported dirt with exported dirt from the Anchorage. In addition the total was **not correct**, as Mr. Tripp pointed out.

Search For Shores Finds Haul Routs Altered

We decided to search the RDEIR for the word 'Shores' .

We found it in section 5. 2 Noise. That is a long section consisting of underlined and cross-through line sentences. It is hard to read. It supposedly represents an earlier document reedited. But there is no earlier document. The Shores EIR and Additional Environmental analysis was very careful not to mention other projects and avoided being mentioned in the sewer EIR. We defy the consultants to produce a document which even looks like an original unedited Noise document.

If you search within the document for 'Shores', you will find what looks like a change in the haul route. The 'haul route **will be along** via Marina' is changed via underlining and crossing out to 'would **include** via Marina'. That means they are opening up the possibility of trucks moving along **via Dolce** and only 25 feet from our condos instead of the 50 feet that appears in the EIR of the Shores. Worse, still on the same page, the Neptune and Sewer projects will use a haul route **similar** to the Shores. So without a clear statement, preparations are being laid to increase the noise on Marina Strand Colony II by a factor of 4, since none of these haul trucks were supposed to pass closer than 50 feet to residences.

In The Shadows

In the Shores project, the shadows were shown to be incorrect in its DEIR. The 'correction' was given in the Shores FEIR. It consisted of several smaller Figures representing shadows over the year. Some Figures depicted the buildings as not rectangular. An issue was whether the **3 hour shadow threshold** of the City was exceeded. It will be. So we decided to search the Neptune RDEIR for 'hour'. Sure enough on page 5.6-55 we found '3 hours' in a paragraph which had simultaneous underlines and crossouts. We also found that the County has a threshold of two hours according to the RDEIR. We won't bother to do any calculations here. The point is: How would you like this kind of behavior on your checking account statement from your bank? Similar behavior has reduced your investments to about 50% of their value, because no one in authority spoke up. You are in authority. What's it going to be?

Note that November and March are the months when daylight savings changes. They don't show March in their shadow study because it is too much like October. October they do the study on the "**October Solstice**". There is no such day, so we don't know what day they are talking about in October, furthermore we don't know whether the time is Standard or Daylight Savings for the corresponding day in March. Recall that daylight savings change is in March and the equinox is also in March, but not in October.

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The Design Control Board was originally charged with assessing visual impact. But the Staff Counsel never informed them of their duty, until the public found the law in the LIP. When the DCB began to think of

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Sincerely,

D. H. Gottlieb
Professor Emeritus Mathematics
3516 Via Dolce
Marina del Rey
CA 90292
gottlieb@math.purdue.edu
(310) 301 4980

Tripp, Michael

From: Daniel Henry Gottlieb [daniel.gottlieb@gmail.com]
Sent: Friday, July 24, 2009 9:54 AM
To: Tripp, Michael
Cc: Nancy Marino; David B - We ARE Marina del Rey; John Ainsworth; zev@bos.lacounty.gov; Lynne Shapiro
Subject: Comments to Neptune et al RDEIR

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Department of Regional Planning

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Before the DCB was stripped of their power, the Shores Project had conducted an inadequate analysis in its DEIR stating that it was **unnecessary** because the DCB had **already approved** the scenic impacts. In their analysis they state: "Unfortunately, there **no definition of scenic view** in the LCP". The study the Shores presented of the scenic impact of the Shores Project consisted only of pictures of the del Rey Shores from across via Marina and via Marquessa.

So later when the Woodfin project had its scoping meeting, I asked for the impact of the 19 story building on the view from **Lighthouse Bridge** across Ballona Lagoon. This was contained in the Scoping meeting's minutes, in the appendices of the DEIR. This view was **not analyzed** in the DEIR or in the RDEIR. Furthermore the minutes of the Scoping meeting were **missing** from the DVDs of the Neptune Project sent to me and the MdR library. I hope the RPC is shown this view point in their walk around Marina del Rey this August.

Sincerely,

D. H. Gottlieb
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VIA EMAIL

July 27, 2009

Mr. Michael Tripp
Department of Regional Planning
320 West Temple Street, Room 1362
Los Angeles, CA 90012

Re: Project R2006-03647, Project R2006-03652, Project TR067861, Project R2006-03643 and Project R2006-03644 (together the "Woodfin/Neptune Project") COMMENTS on combined Draft Environmental Impact Report (DEIR) and combined Recirculated Draft Environmental Impact Report - Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel And Timeshare Resort Project ("RDEIR"): OPPOSE

Dear Mr. Tripp:

We ARE Marina del Rey ("WAM") strongly urges the Department of Regional Planning to reject the projects listed above, to deny all applicable Plan Amendments, Coastal Development permits, Conditional Use permits, Variances, Parking permits and Tentative Tract Map No. 067861 based on the issues and comments previously submitted by WAM on October 28, 2008 on the projects and the DEIR and based on the following issues and comments on the DEIR and the RDEIR.

Although instructions indicate that comments can no longer be submitted on the DEIR, because the hearing was postponed mid-hearing and the hearing on the DEIR was not completed, WAM is submitting additional comments on the DEIR along with comments on the RDEIR.

1) PROJECT DESCRIPTION

Conversion of Parcel FF

Pages 3.0-10 to 3.0-13 discuss the conversion of parcel FF from a public parking lot to residential use. It states that public parking at lot FF has been underutilized. It references the 2004 Crain and Associates study and states:

Crain's 2004 findings regarding Lot 12's underutilization by the public are corroborated by the more recent findings of a comprehensive March 2009 report titled "Right-Sizing Parking Study for the Public Parking Lots in Marina del Rey, California," prepared for the County Department of Beaches & Harbors by traffic engineering firm Raju Associates, Inc. ("Right-Sizing Study," attached as Appendix 5.7 to this DEIR).

Based on parking demand surveys of each of the Marina's 13 public parking lots conducted by Raju Associates during the busiest summer weekends, holidays (Memorial Day, Fourth of July and Labor Day), and special event days in the Marina (i.e., the Halibut Derby and Boat Parade) of 2005 and 2007, the Right-Sizing Study finds that

each of the Marina's public parking lots "are greatly underutilized to varying degrees almost throughout the year, except for a few holidays and pre-holiday weekend days, even when the gate arms are up and no parking fee is charged" (Right-Sizing Study, Executive Summary, Page 1).

Regarding Lot 12, the Right-Sizing Study concludes: ...[I]n the past few years, this overflow lot has not been used much by the general public for recreational purposes but has been used mostly for construction staging and by construction vehicles during construction [of a nearby apartment project]. No public demand has been noticed in this lot... This lot is planned to be removed from the list of public parking lots in the future pending a Plan Amendment is by the CCC (Right-Sizing Study, Page 15). Lot 12's underutilization by the public is explained by the lot's relative isolation from visitor or recreational attractions in the Marina or surrounding vicinity.

The following key comments are made regarding the studies and use of Parcel FF:

- The Right Sizing Study did not include Parcel FF/Lot 12 in its analysis. It made its findings based on the Crain & Associates study. Thus, references to the Right-Sizing Study should be deemed irrelevant and removed from the RDEIR
- The Crain & Associates analysis of Lot 12/Parcel FF makes no mention of the fact that two thirds of the lot was closed off for use as a construction staging parking for Esprit I development on Marquesas. A fence was put up on the perimeter of the lot covering its frontage to Via Marina and along Marquesas to the entrance. This use would skew the results of the parking study because fewer spaces would be available and the public would not be aware of the availability of a public parking lot.

The RDEIR states:

Development of Parcel FF with residential use, as proposed, will preclude the potential future development of a public park on the parcel, which could have occurred pursuant to the parcel's current Open Space land use designation. It should be noted there is no evidence that, absent the current development proposal, a park would, in fact, be developed on Parcel FF in the future.

Neither the County nor the private development community has any plans to develop Parcel FF for the permitted park use. To the contrary, Section A.2 of the LUP (page 2-5), under the "Potential Conversion of Public Parking Lots" subsection, expressly acknowledges that Parcel FF is underutilized by the public and is thus being contemplated for conversion to residential use.

The following comments are made with reference to the above statements:

- Section A.2 of the LUP (page 2-5) does not contemplate conversion of Parcel FF into residential use. It states:

“In the case of Lot FF, a public park is being contemplated as part of the new development.”

- Regardless of the contemplation of the LUP regarding potential conversion of public parking lots, the LUP parking policies #12 (page 2-8) clearly states:
“No designated public parking areas, including, but not limited to Lots OT, UR or FF shall be converted to uses other than public parking or parks.” (emphasis added)

Furthermore, the Marina del Rey Specific Plan limits development on Parcel FF to 25', which would preclude residential development.

The notion that just because an act was contemplated means it is allowed is unfounded. If the LUP truly contemplated conversion of public parking lots, parking policy #12 stated above would not have been created.

- A lease option for Parcel 10/FF was approved by Los Angeles County Board of Supervisors in August 2008. The lease option was conditioned on implementing a future EIR process.

Because of these factors, conversion of parcel FF into a park and/or other feasible alternatives and/or mitigation measures was precluded from consideration prior to the environmental review. This is indirect conflict with the courts that provided the following guiding general principle: “[b]efore conducting CEQA review, agencies must not ‘take any action’ that significantly furthers a project ‘in a manner that forecloses alternatives or mitigation measures that would ordinarily be part of CEQA review of that public project.’” *Save Tara*, ____ Cal. 4th ____ (citing Cal. Code Regs., tit. 14, §15004(b)(2)(B)).

As enunciated by the Supreme Court, in determining whether a conditional agreement such as the one in *Save Tara* is an approval under CEQA, “courts should look not only to the terms of the agreement but to the surrounding circumstances to determine whether, as a practical matter, the agency has committed itself to the project as a whole or to any particular features, so as to effectively preclude any alternatives or mitigation measures.

An agency's statements and unofficial actions, taken as a whole, can be the basis for finding that an agency has “committed to a definite course of action” and, therefore, “approved” a project. If environmental review has not preceded the agency's “commitment,” then the agency has run afoul of CEQA.

Los Angeles County has stated on numerous occasions that FF would not be used as a park. They used FF as a staging ground for construction parking for 5+ years. Furthermore, the alternative project use of FF as a park was not fully considered. Los Angeles County never issued an RFP for any private or public entity for the creation of a park on Parcel FF. And, the County had not and is not intending to make use for this site

of Coastal Improvements Funds paid by developers for the purpose of park development in the Marina. They are doubling the population of the Marina without increasing green space for residents or public use.

The RDEIR states:

To further compensate for the inability to potentially develop a public park on Parcel FF in the future, as a result of developing the parcel with an apartment building, Legacy Partners will fund and develop a public-serving anchorage to adjoin the Parcel 10R and 9U bulkhead. (pg 3.0-73).

This tradeoff does not provide residents of Marina any compensation or mitigation for the loss of a potential park. As stated previously, the residential population is expected to grow with all the proposed redevelopments in the Marina. And there are no provisions park facilities or green space for residential use.

Timeshare Component

The RDEIR on page 3.0-32 states that:

The Woodfin Suite Hotel and Timeshare Resort will enhance visitor-serving uses by providing much needed additional overnight accommodations through both the hotel and timeshare component, both of which are consistent with the LCP.

Our comments:

- There is no supporting documentation that shows much needed additional overnight accommodations are needed in Marina del Rey. Historical occupancy rates are in the low 70s%. A need for low-cost overnight accommodation does exist, which this project does not meet. Additionally, the redevelopment proposals of the existing hotels in the Marina will increase the cost of staying in the Marina, making it unaffordable for the average tourist, which is not consistent with Coastal Act policies.

The DEIR, Section 5.17 states:

Several sections of the LCP discuss hotel use. As set forth below, an analysis of these LCP sections demonstrates that the proposed timeshare component is tantamount to this type of approved and encouraged visitor-serving use.

Despite the DEIR analysis that concludes timeshare is consistent with the LCP through a myriad of related definitions and references to the County General Plan, we have previously stated in our October 28, 2008 comments that the Coastal Commission requires an LCP amendment for timeshare development when the LCP does not specifically authorize timeshare development. Neither the Marina del Rey LUP and LIP specifically allow timeshare use or include timeshare use in the definition of hotel. Thus timeshare is not a permitted use per the LCP or the Coastal Act without an LCP amendment to change land use regulations.

From the statement above, the DEIR continues with:

First, subsection (e) (Policies and Actions) of section A.2 (Recreation & Visitor-Serving Facilities) in the LUP lists overnight lodgings as a qualifying visitor-serving use in accord with related Coastal Act provisions. The timeshare portion of the Woodfin component, which, as noted, will be operated similarly to a conventional hotel, is a type of overnight lodging that is consistent with the overnight lodging policies of the LUP's Recreational & Visitor-Serving Facilities chapter.

It is true that overnight lodgings is included as a visitor-serving use but it included with public or private recreation, cultural and educational facilities, gift and specialty shops, service concessions (ie boat, bicycle or skate rentals), food and drink establishments and related parking areas. It is clear from this list that visitor-serving uses are for temporary use of services and not for ownership. This applies to overnight lodgings. The LCP does not define overnight lodgings and the definition of timeshare implies ownership, not temporary use of services. Additionally, as will be discussed in more detail below, the key to the definition of hotel in the Los Angeles County General Plan is temporary. Thus, timeshare is NOT consistent with the overnight lodging policies of the LUP of the Coastal Act.

The DEIR further states:

Second, LUP section C.8., Land Use Plan, subsection (e) (Policies and Actions, Part 2 – Mapped Policy for the Land Use Plan), lists “hotel” as a permissible land use category, and designates overnight accommodations and attendant visitor-serving uses including dining and entertainment areas as uses that may occur attendant to a hotel. The proposed timeshare component would be limited to a maximum annual and consecutive use of four weeks, in an integrated tower with other hotel suites, all of which would provide overnight accommodations and which would be contained in a structure providing dining and ancillary services.

The section of the LUP referenced in the preceding paragraph provides a list of land use categories which includes hotel. The land use category describes what a hotel/motel is permitted to do. In other words, it defines hotel/motel use as providing overnight accommodations and attendant visitor-serving services. Thus, the LCP does define hotel. And it is silent on ownership of timeshare suites.

Furthermore, the RDEIR states:

Finally, the LCP section addressing the Land Use Plan (LUP section C.8.e.7.) incorporates by reference language from the Countywide general plan and Title 22, Planning and Zoning, Los Angeles County Code.

LUP section C.8.e.7 does incorporated by reference, language from the Countywide general plan and Title 22, Planning and Zoning but it is in relation to entitlements to develop a new uses or change or expand an existing uses. And it states that such entitlements will utilize the County's Planning and Zoning code (Title 22) for the Coastal Development Permit process. Additionally, it will use the County's general plan, Title 22 and the LUP is it relates to the design, location and

intensity of development on a specific parcel but it does not reference or incorporate language related to the type of use. Thus, this section provides no information as to the consistency of timeshare use with the LCP or the Coastal Act.

Specifically, the Marina del Rey Specific Plan portion of the Zoning Code, section 22.46.1030.A (Relationship to the Los Angeles County Land Use Regulations), states: "For matters on which this Specific Plan is silent, other applicable provisions of Title 22 shall control." Therefore, because the LCP does not expressly define overnight lodgings or hotel (i.e., the LCP is "silent" on the issue), Title 22 provisions apply to this use.

First, as discussed above, the LUP section C.8., Land Use Plan, subsection (e) (Policies and Actions, Part 2 –Mapped Policy for the Land Use Plan) does define hotel use as providing overnight accommodation. The LUP is not silent so the provision "*For matters on which this Specific Plan is silent, other applicable provisions of Title 22 shall control,*" does not apply.

Furthermore, the Marina del Rey Specific Plan, Section 22.46.1030 states:

Where provisions of this Specific Plan are in conflict with other provisions of this Title 22, this Specific Plan shall prevail.

Additionally, section 22.46.1020 reads:

This Specific Plan is a key component of the Local Implementation Program for Marina del Rey. It is designed to implement the Marina del Rey Land Use Plan through the application of site-specific development standards and guidelines.

The Specific Plan implements the Land Use Plan and the Land Use Plan defines hotel use. Therefore, the Specific Plan is not silent on definition of hotel. And the LCP is not silent on the definition of hotel.

The DEIR further states:

Title 22 defines hotel as "Any building containing six or more guest rooms or suites of guest rooms intended or designed to be used, or which are used, rented or hired out to be occupied, or which are occupied on a temporary basis by guests." The project proposed hotel and timeshare use is consistent with this definition and is therefore an allowed use on Parcel 9U.

To be conservative, even if the LCP was silent on hotel use, Title 22 of the Los Angeles County General Plan does not define nor include timeshare use. It specifically defines hotel as a temporary use which is in direct conflict to the definition of timeshare. Wikipedia defines timeshare as:

"A timeshare is a form of ownership or right to the use of a property, or the term used to describe such properties. These properties are typically resort condominium units, in which multiple parties hold rights to use the property, and each sharer is allotted a

We ARE Marina del Rey

P.O. Box 9096, Marina del Rey, CA 90295

period of time (typically one week, and almost always the same time every year) in which they may use the property."

According to the *Research & Practice Guide: California Legislative History and Intent*, "statutory language is to be interpreted according to the ordinary and common meaning of the words used unless it is clear that the legislature intended a different meaning.

It is clear that neither the Marina del Rey LCP nor the County General Plan includes timeshare in the definition of hotel and it was not intended to do so.

To summarize:

- 1) The LCP does define hotel - LUP section C.8., Land Use Plan, subsection (e) (Policies and Actions, Part 2 –Mapped Policy for the Land Use Plan)
- 2) Title 22 of the LA County Planning and Zoning code definition of hotel does not include timeshare.
- 3) It is irrelevant that both the Marina del Rey LCP and the County General Plan and Title 22 code do not exclude timeshare. Judicial interpretation assumes that a drafter's intent not to include is purposeful. They say what they mean.
- 4) Ownership of a timeshare that may cost \$10,000 is not equivalent to the temporary, overnight use of a hotel room for \$250. Additionally, there is no guarantee that the timeshare units will actually be available to the general public.

In conclusion, the use of timeshares in Marina del Rey is inconsistent with the Marina del Rey LCP and the Coastal Act. Therefore, the Woodfin portion of the project should be rejected.

Public Access & Recreation

The Woodfin/Neptune project calls for an interactive node of public access and recreation that includes the Wetland and Upland Park, the public anchorage, the Waterfront Stroll Promenade and the first floor amenities and services of the Woodfin Hotel including the restaurant. The RDEIR states:

It is intended that the ground floor of the hotel, the adjacent pedestrian promenade, the wetland park, and the public serving boat spaces combine to create an interactive public node.

Additionally, it states:

Turf block areas would provide a sturdy space for group lectures, seating for visitors bringing lawn chairs for bird watching etc., and maintenance vehicles.

And:

Parking for park visitors will be conveniently located within the adjacent hotel/timeshare resort's parking area (as noted, up to 21 fee-based self-parking spaces will be provided within the hotel/timeshare resort project, for use by the public).

Appendix 5.7c - *Crain Associates Shared Parking Analysis for Woodfin* - analyzes the uses of the project that will require parking and the amount of spaces. This list includes only:

- Hotel/Timeshare Resort
- Sundry Shop
- Spa
- Ballroom
- Meeting Room
- Restaurant

The Shared Parking Analysis does not analyze public parking requirements for the public anchorage, the wetland park or the stroll promenade. Providing just 21 parking spaces for all the intended public access and recreation uses is insufficient and would require visitors to use the more expensive valet services for public access.

Ironically, the overall project eliminates a 200-space public parking lot (Parcel FF), adds what it calls an "interactive public node" (to justify the egregious overall project) and then provides insufficient public parking.

The lack of public parking spaces and the cost of valet is inconsistent with the visitor-serving provisions of the Marina del Rey Land Use Plan and the Coastal Act.

Original Project Started On Site

The RDEIR on page 3.0-3 states that:

In 1981, a hotel was previously approved by the CCC for development on the subject Parcel 9U (the "Marina Plaza Hotel"; see CCC Case No. A-207-79). The Marina Plaza Hotel was approved by the CCC with 300 guest rooms in nine stories and an assortment of patron- and visitor-serving accessory uses, including restaurants, a bar, a coffee shop, banquet facilities and meeting rooms, all over two stories of subterranean parking. Some site grading was completed and two concrete piles were installed by the developer of the Marina Plaza Hotel. The developer ultimately abandoned the Marina Plaza Hotel development on Parcel 9U due to lack of finances.

However, there is nothing in the DEIR or RDEIR that addresses the fact that the concrete piling installed to support the building foundation sank. There is no analysis that supports the weight and height of a 225 foot building on this site.

Wetland Park

The Woodfin/Neptune project calls for the removal of the existing freshwater wetlands and recreation of a seawater based wetland park. Case law from Bolsa Chica provides that wetlands are not allowed to be moved.

Additionally, section 30233 - Diking, filling or dredging; continued movement of sediment and nutrients of the Coastal Act states:

(a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, **and shall be limited to the following:**

- (1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.
- (2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.
- (3) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.
- (4) Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.
- (5) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.
- (6) Restoration purposes.
- (7) Nature study, aquaculture, or similar resource dependent activities.

The proposed Woodfin/Neptune project does not meet these requirements.

These factors would make the proposed project for a wetland project inconsistent with State law and the Coastal Act.

Questions

- 1) The Parking Policies of the Marina del Rey LUP state that all development must include parking for residents, guests, visitor use and public access. How does this project meet the requirements of this policy?
- 2) 3.0-67 states that Woodfin hotel will have a 225 ft building height when measured from finished grade elevations along Via Marina. Will the grade level of Parcel 9U be changing?

- 3) How much cumulative excavation, cut and fill will there be from the Woodfin/Neptune project, The Shores, the Venice Dual Force Main project and the Esprit II project? This has not been analyzed.
- 4) What are the overall construction impacts and timelines from the Woodfin/Neptune project, The Shores, the Venice Dual Force Main project and the Esprit II project? This has not been analyzed.
- 5) In order to build the public anchorage on Parcel 9U, it appears that the existing dock and slips along Parcel 9U will be eliminated. Currently, these slips belong to the Bay Club Anchorage. Where in the DEIR or RDEIR is the demolition of these slips discussed and analyzed including parcel boundary changes?
- 6) How much transition and upland habitat and upland scrub?
- 7)

2) NOISE

Page 5.2-1 of the RDEIR concludes:

Construction noise would affect nearby noise sensitive residential uses and noise sensitive uses along the proposed haul route. Exterior noise levels during site construction of up to 100 dB(A) could be experienced at some noise sensitive uses that would have direct lines of sight pile driving. Noise levels generated during construction would periodically exceed County standards for exterior noise levels during the workday. To mitigate construction noise, all construction activities would comply with the County of Los Angeles Noise Control Ordinance (Ordinance No. 11773).) so that construction noise would be limited to normal working hours when many residents in the Marina del Rey would be away from their homes. Nevertheless, construction noise would represent a temporary, but significant impact, as noise levels would periodically exceed County standards, even after mitigation.

Section 5.2 of the RDEIR fails to include the following factors in its analysis of Construction Noise impacts, Haul routes noise impacts, Vibration impacts and Operation Impacts; Point Source Noise. Therefore the DEIR and RDEIR do not truly analyze cumulative noise impact.

Esprit II Impacts Not Analyzed

In 2009, Los Angeles County renegotiated its lease with Marina Two Holdings for Parcel 15 (Esprit II), a parcel that previously received project approval for a 500+ unit apartment complex and a 225 slip anchorage. The Esprit II parcel abuts part of the Woodfin/ Neptune/Woodfin Project, specifically on parcel FF portion. The Esprit II project includes multiple buildings in an L-shape along Via Marina and Panay Way. It is located across from the Shores project.

The renegotiated lease requires that the developer complete construction of Esprit II by August 2013, approximating the completion times for the four major portions of the Woodfin/Neptune Project.

The RDEIR does not include information on the number of truck trips to be generated by Esprit II nor does it cumulative analyze the construction noise impacts, haul noise impacts and

vibration impacts from the Woodfin/Neptune Project, the Shores Project, the Venice Dual Force Main project and the Esprit II project.

Impact on Residents

The RDEIR states:

To mitigate construction noise, all construction activities would comply with the County of Los Angeles Noise Control Ordinance (Ordinance No. 11773).) so that construction noise would be limited to normal working hours when many residents in the Marina del Rey would be away from their homes.

The RDEIR fails to account for the unique demographic mix of residents in the unincorporated area of Marina del Rey as well as the City of Los Angeles portions on the west side of Via Marina. A larger than typical population of stay at home moms, retirees and entrepreneurs live in the Marina and do not leave the area during normal working hours. There is no study of resident travel patterns during a typical work day included in the DEIR or the RDEIR. Because of the significantly higher number of residents that stay in the area during the workday, further analysis is needed to measure the true noise impacts on residents and to develop further mitigation measures beyond what is included in the RDEIR.

Noise Levels

The Noise level data used for construction equipment (Table 5.2-5) and Vibration Source Levels (Table 5.2-6) are sourced from the EPA and the US Department of Transportation as standard measurements of noise levels. However, anyone who lives in Marina del Rey can attest to the fact that noise levels carry very easily in the Marina. Because of the unique layout of the marina and harbor and proximity to shoreline, wind tunnels from the fingers noise carries much more here. The RDEIR has not taken into account the specific nature and characteristics of noise in the Marina and therefore have not properly analyzed cumulative noise impacts.

Operation Noise Levels

Noise levels from hotel operations once the project is complete does not appear to be measured. Appendix 5.2 Noise Modeling uses the same “Assumed 24-Hour Traffic Distribution” for each project whether residential, wetland park, or hotel. There will be 24-hour noise impacts due to hotel visitors, delivery trucks, food service truck, refuse removal and employee trips which have not been reviewed or analyzed in this RDEIR.

Cumulative Truck Trips

The RDEIR states that for the entire Woodfin/Neptune project: “during the initial two months of demolition and excavation, as many as 284 truck trips would arrive to and leave the site daily. During the remainder of the project construction, the number of truck trips would range from 70 to 194 trips per day.”

The RDEIR fails to show cumulative truck trips for the Woodfin/Neptune project, the Shores Project, the Venice Dual Force Main project and Esprit II project. Without such information, it is impossible to analyze cumulative noise impacts.

Question on Noise Impacts

- 1) Does the haul route include Via Marina south of Marquesas?
- 2) Do the truck trip numbers for the Woodfin/Neptune project include construction of new sewer lines along Via Marina and Marquesas that are outside the project boundaries?
- 3) The DEIR states that there will be an "additional 3,104 daily vehicle trips to on local roadways situated proximal to the project site (1,017 trips from the Neptune Marina Apartments - Parcel 10R, 499 trips from the Neptune Marina Apartments- Parcel FF, and 1,588 trips from the Woodfin Suite Hotel and Timeshare Resort- Neptune Marina Parcel 9U. What types of vehicles and how many trips of each type do these numbers represent?
- 4) Construction worker traffic, which would be largely comprised of passenger vehicles and light pick-up trucks, would not represent a substantial percentage of peak hour volumes in the area and would not cause an audible increase in community noise levels. What is the percentage increase in peak hour volumes from construction workers traffic? How many workers and how many vehicles are expected on average for the project over the construction period?

3) VISUAL QUALITY

The RDEIR states on page 5.6-2:

Pursuant to Section 15162 of the State CEQA Guidelines, no new impact finding is required for this project as the height is the same as was contemplated in the LCP when amended. In essence, the Coastal Commission and the County, in discharging their CEQA obligations during the amendment process, elected to allow greater height at certain sites in exchange for larger view corridors.

However, § 21166 states that

When an environmental impact report has been prepared for a project pursuant to this division, no subsequent or supplemental environmental impact report shall be required by the lead agency or by any responsible agency, unless one or more of the following events occurs:

- (a) Substantial changes are proposed in the project which will require major revisions of the environmental impact report.
- (b) Substantial changes occur with respect to the circumstances under which the project is being undertaken which will require major revisions in the environmental impact report.
- (c) New information, which was not known and could not have been known at the time the environmental impact report was certified as complete, becomes available.

Since the LCP was certified in 1996, a process which is deemed equivalent to the preparation of an EIR, new conditions exist on the ground in the Marina exist that could not have been known at the time the LCP was certified. These changes could impact the original decision to allow a

maximum height of 225 feet on this site as well as other potentially negative environmental impacts of this project.

These new conditions include:

- The designation of portions of parcel 9U as a wetland by the Army Corp. of Engineers
- The identification of ESHA sites in the Marina by the California Coastal Commission on January 9, 2008, including the nesting and roosting of the Great Blue Heron and the Great Egret and Snowy Egrets. One such site is located on the Northwest Passage and the main channel.
- The foraging of Great Egrets on the northerly portion of 9U observed by a member of the public during 2009 (see attached photo)
- the California Coastal Commission recommended during its LCP Periodic Review that Los Angeles County conduct a study of potential ESHA sites in the Marina. This study has not been performed.
- The designation by the State Department of Geology of the project site as being located in a high risk liquefaction zone.

In fact, during its Marina del Rey LCP Review, the California Coastal Commission recommended that Los Angeles County undertake a comprehensive update of its LCP because changes have occurred since the last certification and because the impacts of proposed projects need to be reviewed on cumulative basis.

Neither the DEIR nor the RDEIR analyze project, building height and visual impacts on existing and potential ESHA sites, on the flight path of the Great Blue Heron or Great Egrets, on the shade affects of the adjacent wetlands, on the liquefaction risk or on the stability of the project site to sustain a 19-story structure.

4) TRAFFIC

Why has the ambient growth changed from 2% in the 1991 DKS Traffic Study to the .6% used in the RDEIR traffic analysis?

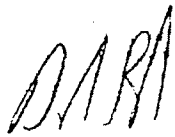
5) SOLID WASTE

Neither the DEIR nor the RDEIR summarize total export of cut and total import of fill cumulatively for the project (including changes from sewer lines) plus cumulatively to include the Shores project, the Venice Dual Force Main project and the Esprit II project. Without such analyses, the DEIR and the RDEIR are incomplete and cannot measure project and cumulative solid waste impacts.

6. CONCLUSION

Based on the above facts, comments, concerns and issues related to the Woodfin/Neptune Project and all Marina del Rey development, WAM urges Regional Planning to deny this project the Plan Amendments, all applicable permits, and deem the DEIR and the RDEIR insufficient in light of the overall piecemealing of the Marina Redevelopment Project (as stated in our October 28, 2008 comments letter). Additionally, we urge you to advise the Board of Supervisors to prepare an Environmental Impact Report for the overall Marina Redevelopment Project and adhere to the California Coastal Commission's recommendation to carry out a comprehensive LCP update in order to assess the overall environmental and social impacts of the Marina Redevelopment Project through a meaningful community planning process.

Together,
We ARE Marina del Rey



David Barish
Co-Director
davidb@wearemdr.com
www.wearemdr.com

The Wetlands Defense Fund and CLEAN (Coastal Law Enforcement Action Network) agree with these comments and intend on commenting further at public hearing(s) in the future. Please include Marcia Hanscom at these organizations in all future public notices at 322 Culver, #317, Playa del Rey CA 90293

July 27, 2009

Received 7/28/09

Mr. Michael Tripp
Los Angeles County Department of Regional Planning
320 West Temple Street
Los Angeles, CA 90012

Re: Project R2006-03647 (Parcel 10R), Project R2006-03652 (Parcel FF),
Project R2006-03643 (Parcel 9U South), Project TR067861 6 (Parcel 9U North)
Project R2006-03644 (Basin Adjacent to Parcel 9U)
"Woodfin/Neptune Project" Recirculated Draft EIR
OPPOSE

Dear Michael,

Please accept this letter as an addendum to the comments submitted by my co-director, David Barish, along with my thanks also for the grace period you offered us.

There are several pertinent facts that are nowhere to be found in this Draft EIR (DEIR) and the Recirculated Draft EIR (RDEIR) sections--which I will collectively call the EIR. Since the DEIR public hearing was never completed, we still have the right to comment on those sections, whether it is acknowledged or not. This missing information is crucial to arriving at objective planning decisions. I also offer extensive comments on the discussion and analysis of impacts to essential community services, including water resources and wastewater treatment, which includes a critique of this EIR, which unhappily ranks below the worst I have ever seen.

I. Omissions:

A. Section 3.1 Overview.

- 1) The background/history on this parcel fails to disclose that the hotel project begun in 1981 was a failure because in the very early stages of construction, the foundation sank and the project was deemed unbuildable. I believe the project went bust but I do not have that fact (I am sure you can get it readily enough). That proposal was only a nine story structure spread over most of the lot. These are pertinent facts and material omissions from the analysis.
- 2) In the LCP Definitions section, development potential is clearly distinguished as potential only, with emphasis that it is NOT an entitlement to build to that potential. The applicant is not *entitled* to a project of this size. David sent you many well-documented reasons why less development should be considered and analyzed in addition to the ones here; it needs to be given serious planning consideration.
- 3) LCP §A.2.d. Recreational and Visitor-Serving Facilities - findings asserts that more demand for high end visitor-serving facilities, such as hotel rooms, has proven to be limited. Beverly Moore of the Visitor's Center (at a local hearing a couple years ago) said the overall occupancy rate of MdR hotels was 70%, and had never been above 70-75%. It has not improved since. Including this project, there are nevertheless 636 additional hotel rooms—most on the high end as hotels go—proposed for the Marina. Where is the objective analysis of this historic lack of demand? of the disproportionate accommodations for high-ticket recreation throughout the Marina? of the dearth of free and low cost recreation as mandated by House Document 389? Of the economic and social implications of this kind of development in the current County demographic?

- 4) Your project description forgets to mention that, in putting in the Woodfin visitor-serving docks on a “new” water parcel, it will be usurping space now occupied by other boats—and you need to disclose the number and size of the boats that will be displaced. 60’ and 40’ slips serve an elite segment of the visitor pool. Where is the balance???

B. **Section 4 Cumulative Projects:** The new mega-project being solicited for the Public Mast-Up Storage Lot, Public Launch Ramp, Visitor Center & Parking Lot and Dock 77 (Parcels 49S, 49R, 49M and 77, respectively) needs to be added to the cumulative projects list. It has been on the public record since May 12, 2009, allowing plenty of time to get it into this report. It will have an enormous impact on the cumulative water needs for the community and every other impact as well, as it will more than double the amount of proposed additional commercial/retail including restaurants in up to 135,000 square feet of building, up to 26,000 square feet of office, PLUS up to 255 additional residential units. Add in what you have in mind for the Cheesecake Factory Parcel and the remaining lots on Fiji while you’re at it. Anticipated development must be included—even if you don’t have an RFP for it yet. At some point, the County must own up to what it is doing to the Marina.

II. Section 5.8: Sewer

I found this section 5.9 to be particularly offensive. The entire Recirculated RDEIR is an inordinately difficult document to decipher, and for this reason alone it should be returned to Impact Sciences with explicit instructions to communicate all known findings, and present the changes in a clear, readable way. I have never seen such a jumble of mixed up plain, underline and strikeout text and numerals in the so-called “edits”. It does not serve the interests of either professional planners or the public to have information obscured in such a way. By way of example, below is Table 5.8-7, purportedly showing changes in wastewater generation.

I surmised that the “Net Project Total” refers to the Woodfin/Neptune Project (Project). The math on the new numbers is wrong. The subtotal for “related projects” is 553, 854; the total is 652,385. Only 10,000 gal/day off—could be a simple typo. The old math is also off: “related projects” subtotal is 534,538 (not even close!); the total is 665,238. Off by 11,892 gal/day. Not highly significant, on the face of it, but what if all 41 related projects shaved a similar amount from their totals?

Table 5.8-7
Cumulative Wastewater Generation
Proposed Project and Related Projects

Land Use	Net Units	Generation Factor ¹ (gal./day/unit)	Daily Generation (gal./day)
Related Projects			
Multi-Family ²	3,435 du	150/gal/unit	515,250
Commercial	32,098 sf	0.16800 gal/day/100	325,216 78
Restaurant ³	5946 sf	1.00 gal/day	5,946
Restaurant ⁴ Restaurant ⁵	163 100 seats	50 gal/seat	8,150 000
Office	9,908 sf	0.20800 gal/day/100	17,982 926
Subtotal:			522,543,646 854
Net Project Total:			13028,700 531
Total:			653642,346 385

But wait. Table 5.8-2 reports the projected Project wastewater of 139,696. Not 130,700. Off by another 8,996 gal/day. So the figure from Table 5.8-7 is now off by 20,888 gal/day. That's an additional 7,624,000 gallons flowing into the system each year, just from this one Project. If only half the other projects jump on the bandwagon to stay "competitive", you'll have over 150 Million gallons of extra crap from this area alone. The Venice DFM project may not have a problem with that amount of overage (it may have to run both mains simultaneously), but what if all of the new projects that will feed it shave their numbers to look a little nicer or to stay below thresholds for their water districts? HTP is not adding nor planning to add capacity, and when we do get the stormy years, any overflows there come right back in our "front door," the Marina main channel. If people who cannot do basic arithmetic go unchecked, Hyperion might actually be running out of capacity now, and we are unprepared with additional capacity, there or anywhere else, when it happens. What would chronic sewage spills do to tourism in Southern California? to property values along our coast? to County tax revenues from those homes? To health care costs? To the desirability of LA County to the middle class backbone of our economy? A little goes a long way. And that "little" bit of additional sewage can do a heap of damage to the County general fund over the long run. It needs to be corrected—not talked about or "revised".

I won't bother you with more details or additional tedious examples from this section; if you have given this report the close scrutiny you are supposed to have done, you are aware of them; if not, another example probably will not convince you to care, or to do anything about it.

III. Section 5.9: Water Service

It is disappointing to see cavalier, cut-and-paste palaver and a concluding brush-off of the impacts instead of a timely, serious discussion of the realities of the water situation in the entire Southwestern US. It is a topic of monumental concern in the LA metropolitan area. All MdR-adjacent communities' Planning & Land Use Committees are giving much closer scrutiny to development projects proposed for their neighborhoods, with good reason: they care about the long-term welfare of their neighbors, and they trying to carefully plan for their community's continued prosperity by not killing the golden goose. Marina del Rey needs that.

Of the many steps enumerated in this section as responses to an actual water shortage, our MWD promises that the "last action [taken] will be the curtailment of firm deliveries to the member agencies.

- We are in a serious actual shortage now, with mandatory 15% cutbacks in water use by all current lessees.
- Where is the water *actually* going to come from for all of these new projects, specifically this Project? This EIR fails to seriously analyze the implications of the current extended drought conditions and climate change predictions, taken together, for potential development in the Marina.
- The facts of the current actual water alert needs to be included in this report, and a more responsible plan needs to be included in an actual proposal here to address specific measures that will address the problem instead of trusting to luck for a rainy winter.
- As an example, community-wide graywater landscaping needs to be planned. It cannot be done one building at a time, and capturing rainwater is a ludicrous bandaid approach considering our typical annual rainfall

IV: Comments/Concerns:

This EIR fails to objectively assess anything. It just points headlong toward a nineteen story hotel/timeshare, parking structure, four apartment buildings and two marinas that it hopes will house hundreds of people and their considerable personal investments, but it cannot substantiate unless wishing makes it so. Where is the discussion of the track record of some of the new redevelopment projects that have come on line in the last couple of years? What is the County's relative financial benefit including down-time, and how does that relate to where it might be if it chose instead to 'hardscape' a portion of the so-called "underutilized" parking lots and attract more use of the lots by providing something cheap and fun to for visitors to do - NOW? The County has "tagged" even very popular parking lots like Parcel IR with the "underutilized" slur; it is a bald-faced lie, but, like a gang-banger, it is a way putting a claim on someone else's turf. A similar claim regarding Parcel FF, which would be ideal for a park to serve the residential community of Marina del Rey and our many young children with a decent play area and a wetland that they could be involved with in the gentle, natural restoration process, watching it grow alongside themselves and learning so much in the process? And here's a thought: How about a school, so our young children won't have to be bused to wherever that "in lieu fee" will end up. Good communities have schools. Why did the County NOT do a new RFP proposal for this parcel after the first Hotel went down?

The EIR fails to do a candid analysis of whether a hotel is an appropriate land use at this location, or any other new location in the Marina given the fact that much of the parcel is wetland or obligate wetland area. There needs to be an assessment of alternative proposals. How about a discussion of whether an eco-hotel and hostel (youth and/or senior) would be a better fit for this wetland area; it could be small and unobtrusive, respect the 100' upland buffer required by the Coastal Commission, help to balance the overabundance of high-priced accommodations, have a few sites for tents, fit nicely into the quiet residential neighborhood that the County insisted go here instead of campgrounds, soccer fields, build-it-yourself boatyards, maritime museums or dance pavilions we once dared to dream about.

The EIR as a poor planning document. I have no tactful way to say it, the RDEIR looks as if an illiterate created it, and there are no mitigations for its lack of professionalism. Nevertheless, we have done our best to give you our candid assessment of its contents. (You owe me at least 2 Advil.)

Conclusion: This Project is the wrong project at the wrong locations at the wrong time. We respectfully We request that the Regional Planning Commissioners direct staff to reject this EIR as unacceptable and send it back for complete recirculation under State CEQA Guidelines Section 15088.5(a)4, "so fundamentally and basically inadequate and conclusory in nature that *meaningful* public review and comment were precluded."

Thank you for your consideration.

Together,
We ARE Marina del Rey

Nancy Vernon Marino
Co-director

Attachment 4

Correspondence from the Applicant's consultant
regarding the utilization of Parking Lot FF.



FEDERAL EXPRESS

July 16, 2009

Mr. Michael Tripp, PRPA
Special Projects Section
LACO Department of Regional Planning
320 W. Temple Street, Room 1362
Los Angeles, California 90012

RE: Parking Utilization Study for Parcel FF (Lot 12) in Marina del Rey

Dear Mr. Tripp,

Our firm was retained by Legacy Partners Residential, Inc. to evaluate the current parking utilization for public Parking Lot 12 on Parcel FF in Marina del Rey. This parking utilization study was prepared to determine 1) the current maximum parking demand associated with Lot 12 during a typical (non-holiday) weekend and on Memorial Day; and 2) the types of activities associated with vehicles accessing the parking lot. This study also compares the current parking utilization conditions with the findings from a previous parking utilization study we conducted of this lot dated August 20, 2004 (a copy of that prior 2004 study is included as Attachment 7 to this study).

Analysis Methodology and Data Collection

Public Parking Lot 12 is located on Parcel FF, at the northeast corner of Via Marina and Marquesas Way in Marina del Rey (See Attachment 1). Based on a recent field survey, Lot 12 currently provides a total of 201 striped parking spaces. There are also five additional spaces in front of the five planters located in the lot. However, these five spaces have a horizontal stripe across the pavement and were not counted as legitimate spaces. Access to the parking lot is provided via a single driveway on Marquesas Way. Driveway access is controlled by an automated gate arm that was up at all times during the survey periods. Visitors who park in Lot 12 are required to purchase a ticket at the ticket dispenser located in the parking facility for a flat fee of \$5.00 per vehicle per 24-hour period. A schematic layout of Parking Lot 12 is shown in Attachment 2.

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Letter to Mr. Michael Tripp
July 16, 2009
Page Two

The data used to identify the parking utilization and activity at the lot was collected using two complimentary methods. First, a manual count of all vehicles entering and exiting the parking lot was conducted primarily during the daytime hours when the lot is most active. A physical count of the number of vehicles parked in the lot at the beginning of each manual count period was also observed. The number of vehicles parked in the lot throughout the manual count period was determined by adding the number of entering vehicles and subtracting the number of exiting vehicles to the number of parked vehicles for each 15-minute increment. Additionally, as vehicles entered the lot during these times, the general destinations of the occupants were noted, in order to provide basic information regarding whether the vehicles were parking for Marina-related activities, or if they were in conjunction with the adjacent apartment uses. In order to minimize disruption, drivers and other occupants of the vehicles were not interviewed to report their destinations or purpose for the visit; the data collected was observational in nature, and exact destinations could not be determined for all lot patrons. However, if persons were not observed directly accessing the nearby apartments, the destination was conservatively assumed to be "Marina related." It is important to note that some vehicles were observed to enter the lot, but the occupant(s) either stayed in their vehicle or exited their vehicle but did not leave the parking lot premise. These vehicles were observed to exit the lot immediately or shortly after the time they entered the lot. These trips were included in the count of vehicles entering and exiting the lot. However, these trips were not included in the vehicle occupant destination observation data because the vehicle occupant(s) were observed to stay in the parking lot premise and did not have another destination (i.e. adjacent apartments or marina/beach).

Secondly, automated traffic count tubes were placed across the Lot 12 driveway lanes to record the number of vehicles entering and exiting the lot. Automated counters were used to supplement the manual counts in order to develop a 24-hour profile of vehicular activity at the lot. It should be noted that the number of inbound and outbound vehicles counted in the manual counts was compared to the automated counts for the same period. The resulting ratio was applied to the automated counts to adjust for any tendency to over or under count vehicles crossing the count tubes. Separate factors were developed for the inbound and outbound approaches. The manual and automatic traffic count data, together, were used to determine the total number of vehicles accessing the lot throughout the survey periods; identification of peak activity periods throughout the survey periods; and a calculation of the "accumulation" of vehicles parked in the lot at any time during the survey periods.

Data was collected this year during a typical (non-holiday) weekend as well as on a holiday. Automated "tube" counts were conducted on Monday, May 25th (the Memorial Day holiday) and on Saturday and Sunday, June 27th and 28th (a non-holiday weekend). Manual counts and

vehicle occupant destination observations were performed from 8:30 AM to 4:30 PM on June 27th and 28th. This information collection procedure was consistent with the August 20, 2004 parking utilization study. The manual counts and vehicle observations performed on Memorial Day were conducted slightly later in the day to the period from 10:00 AM to 6:00 PM in order to capture visitors who may stay later in the Marina on a holiday. It should be noted that weather conditions on each of the three survey days consisted of pleasant seasonal temperatures with predominantly sunny, clear skies.

Analysis Results

The data collected on the three count days are summarized in Attachments 3 through 5. Attachment 3 includes a count summary of the vehicles entering and exiting the parking lot and the vehicle accumulations based on these counts; Attachment 4 shows a log of the vehicle occupant destination observations; Attachment 5 contains several graphics showing the parking lot utilizations for the three days, as well as graphs detailing the cumulative entry/exit and parking utilization of the lot. The vehicle parking occupancy graphs (single line graphs) indicates the total number of vehicles parked on the lot during each hour of the surveyed periods. The cumulative vehicle trip activity graphs (two-line graphs) show the entering versus exiting traffic at the lot. The parking lot occupancy can be determined by the vertical distance between the upper and lower lines. These graphs are consistent with the parking accumulation graphs, but are in a format that identifies the total traffic generated by the parking activity.

As shown in Table 1 below, Lot 12 was not heavily utilized on the count days. **On Memorial Day, a total of 78 vehicles entered the lot. The peak parking occupancy was 29 vehicles, which is only about 14 percent of the 201 spaces available in the lot.** Peak parking demand occurred in the late afternoon at 4:00 PM and again at 4:45 PM.

Table 1
Vehicular Activity and Parking Occupancy in Lot 12

DAY	TOTAL DAILY NUMBER OF VEHICLES ENTERING LOT	PEAK PARKING OCCUPANCY		
		PEAK NUMBER OF VEHICLES	TIME PERIOD	PERCENTAGE OF SPACES OCCUPIED
Monday, May 25, 2009 (Memorial Day)	78	29	4:00 PM and 4:45 PM	14%
<u>Typical Weekend</u>				
Saturday, June 27, 2009	75	28	3:00 PM and 4:45 PM	14%
Sunday, June 28, 2009	<u>64</u>	<u>24</u>	2:45 PM and 3:45 PM	<u>12%</u>
Average	70	26		13%
3-Day Average	72	27		13%

On June 27th and 28th, which is a typical (non-holiday) weekend, the total number of vehicles entering the lot was slightly lower. **On June 27th, 75 vehicles entered the lot whereas on June 28th, 64 vehicles entered the lot. The peak parking occupancy was 28 vehicles on June 27th and 24 vehicles on June 28th, which is only about 12 to 14 percent of the 201-space parking supply.** Peak parking demand on these two days occurred in the mid to late afternoon.

In addition, **the vehicle occupant destination observation data for the three days showed that an average of 56 percent of the vehicles parked in the lot were in conjunction with the nearby apartments**, as shown in Table 2.

**Table 2
Vehicle Occupant Destination Observation in Lot 12**

DAY	NUMBER OF VEHICLES OBSERVED			PERCENT OF VEHICLES (APARTMENT RELATED)
	APARTMENT RELATED	MARINA/BEACH RELATED	TOTAL	
Monday, May 25, 2009 (Memorial Day)	17	25	42	40%
Saturday, June 27, 2009	23	5	28	82%
Sunday, June 28, 2009	14	11	25	56%
Average of the Survey	18	14	32	56%

Parking Utilization Comparison

The results from the August 20, 2004 parking utilization study are consistent with the findings from the current parking utilization analysis. The 2004 study showed that on a typical weekend the peak parking demand was only 31 vehicles in Lot 12, or about 15 percent of the parking supply. The current parking utilization data shows the peak parking demand for Lot 12 on a typical weekend is about 26 vehicles, which is about 13 percent of the supply. The 2004 results also show that an average of 63 vehicles per day entered the lot. The current parking data show similar results, with an average of 72 vehicles per day entering the lot. Lastly, both the 2004 study and the current data indicated that a majority of the vehicles accessing the parking lot were associated with the residential parking needs of the adjacent apartments.

Letter to Mr. Michael Tripp
July 16, 2009
Page Five

Conclusions

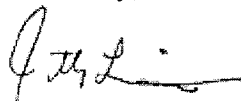
Based on the count data and observations collected in May and June 2009, it can be concluded that Lot 12 is heavily underutilized by the public.

The peak parking demand at the lot ranged from 24 to 29 vehicles, or 12 to 14 percent of the parking capacity. Vehicular activity at Lot 12 is also nominal. The results show an average of only 72 vehicles entered the lot per day during the study periods. In addition, the vehicle occupant destination observation indicates that a majority (56 percent) of the vehicles accessing the parking lot were associated with residential parking needs for the adjacent apartments.

In summary, Lot 12 is not well-utilized as a public parking facility. Its original purpose of serving as "overflow" parking for the Pierview Café (referenced in the Local Coastal Program, Figure 3, County Owned Public Parking Lots [See Attachment 6]) is no longer needed as that establishment has been out of business for many years. In addition, Lot 12 is not directly adjacent to any public beach within the Marina or the Pacific Ocean beaches, and our observations show little recreational parking use, as a result. Furthermore, as noted, our observations reveal that the majority (56%) of what relatively little parking use does occur at the lot is related to use by visitors or residents of the adjacent apartment complexes. As stated in our 2004 report, as the Lot 12-adjacent Parcels 10R and 15 are redeveloped with new apartment and anchorage facilities, the parking facilities for these adjacent complexes will be significantly upgraded and the amount of on-site parking increased to be consistent with current County Code parking requirements. The additional on-site parking supplies for these development will, in turn, further reduce the parking usage at Lot 12, as persons who currently utilize this lot as overflow parking for the currently inadequate parking supplies at the adjacent residential developments will relocate to the free guest parking facilities provided in these new apartment and marina projects.

Please contact me if you have any questions.

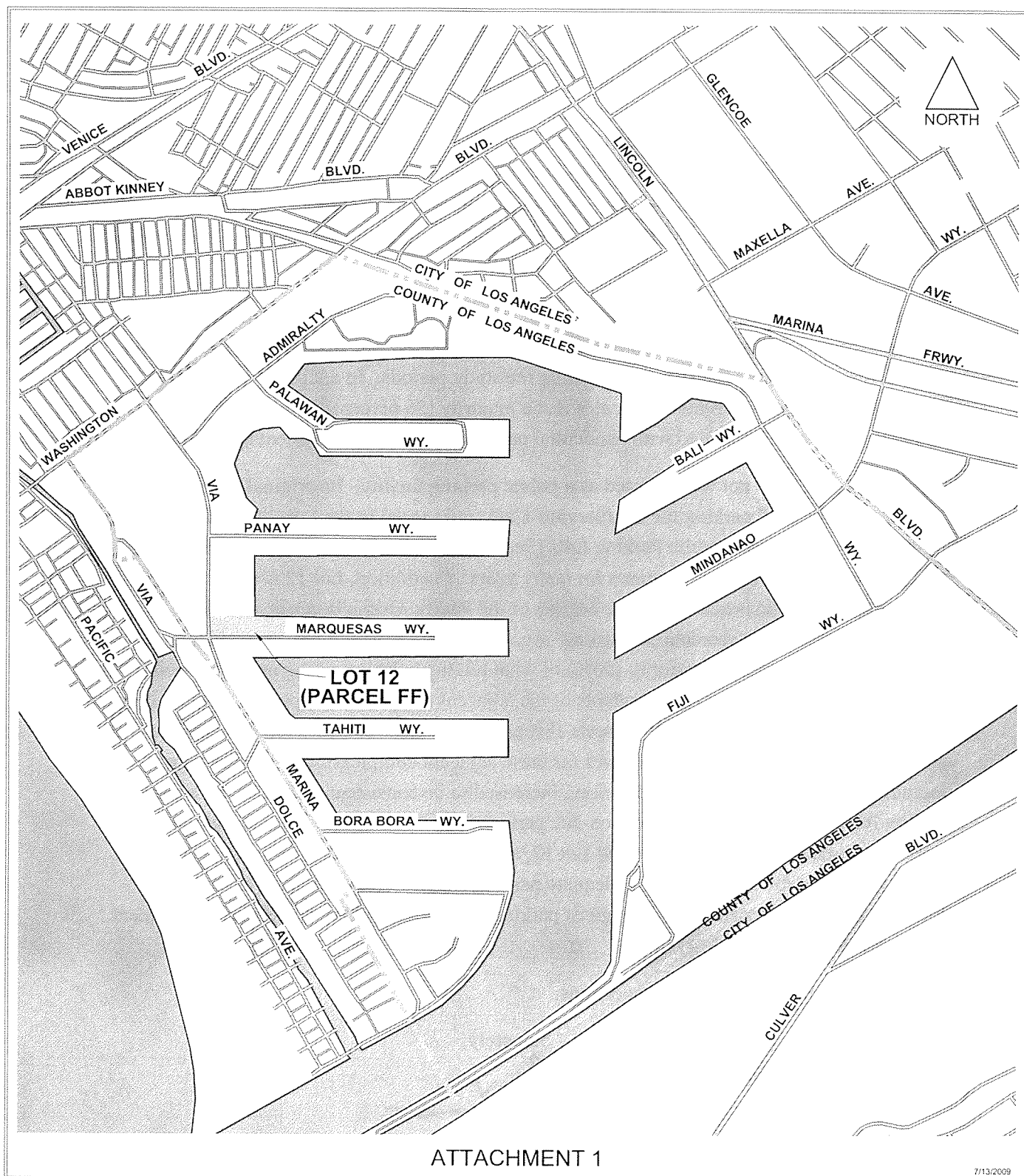
Sincerely,



Jonathan Louie
Senior Transportation Planner

JL:gr
C19600A
Attachments

cc: Mr. Santos Kreimann, Director of Los Angeles County Beaches & Harbors
Mr. Timothy O'Brien, Southern California Partner, Legacy Partners Residential, Inc.



ATTACHMENT 1

7/13/2009

FN: MARINA DEL REY LEGACY 2009-7 SITE-VICINITY

LOT 12 (PARCEL FF) LOCATION

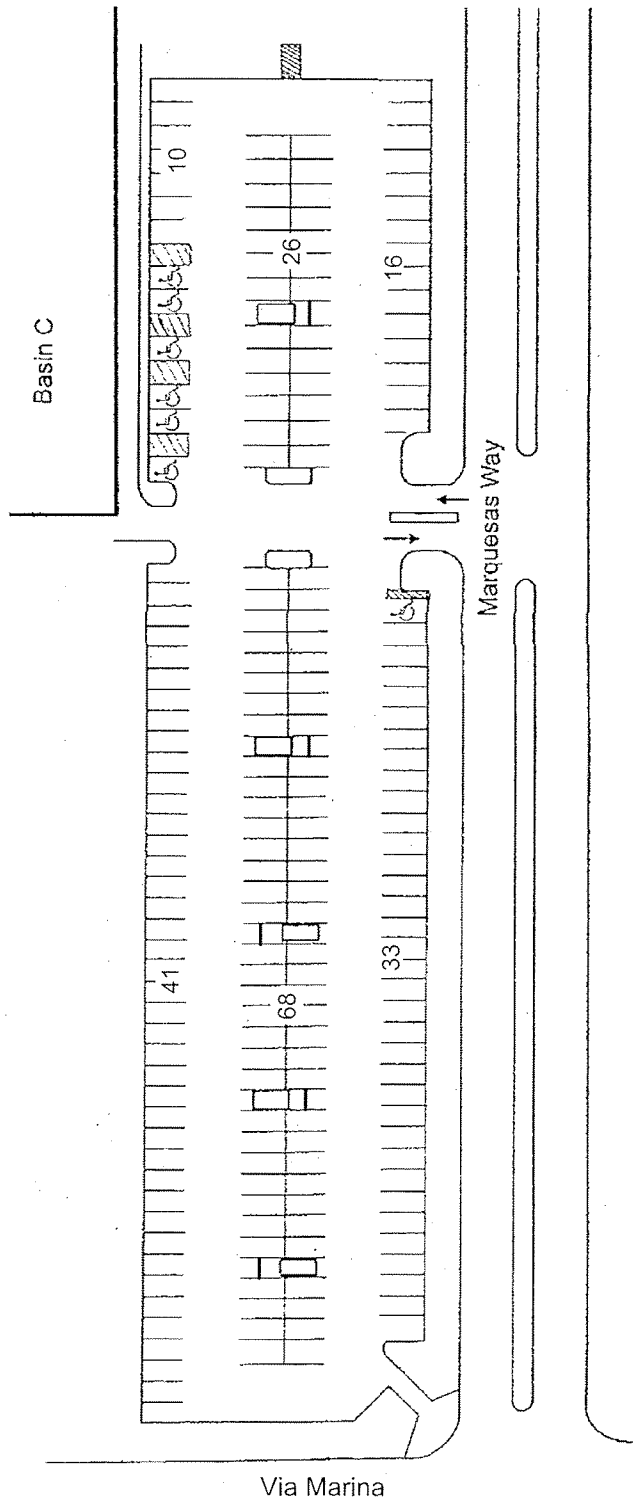
CA CRAIN
&
ASSOCIATES

Transportation Planning
Traffic Engineering

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PARKING LOT #12 (Parcel FF) (Based on Field Observation in May 2009)



Note: Five spaces have a horizontal stripe across the pavement and were not considered legitimate spaces.

REGULAR SPACES	194
DISABLED	7
TOTAL	201

L.A. COUNTY DEPARTMENT OF BEACHES AND HARBORS Revised 8 / 2002 by CLS

Via Marina

Marquesas Way

ATTACHMENT 2

7/13/2009

FN: MARINA DEL REY LEGACY/2009-7-PARKING LOT 12 FIELD OBSERVE

SITE LAYOUT

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ATTACHMENT 3(a)
Parcel FF Parking Lot Driveway Count Data
and Calculated Parking Lot Occupancies

Crain & Associates
July 14, 2009

Monday, May 25, 2009

Morning				Afternoon			
<u>Time</u>	<u>In</u>	<u>Out</u>	<u>Parking</u>	<u>Time</u>	<u>In</u>	<u>Out</u>	<u>Parking</u>
<u>Beginning</u>			<u>Occupancy</u>	<u>Beginning</u>			<u>Occupancy</u>
12:00 AM	0	0	8	12:00 PM	1	3	3
12:15 AM	1	1	8	12:15 PM	0	0	3
12:30 AM	0	0	8	12:30 PM	2	1	4
12:45 AM	0	0	8	12:45 PM	2	0	6
1:00 AM	0	0	8	1:00 PM	2	1	7
1:15 AM	0	0	8	1:15 PM	2	0	9
1:30 AM	0	0	8	1:30 PM	3	1	11
1:45 AM	0	0	8	1:45 PM	1	2	10
2:00 AM	0	0	8	2:00 PM	2	0	12
2:15 AM	0	0	8	2:15 PM	3	1	14
2:30 AM	0	0	8	2:30 PM	7	2	19
2:45 AM	0	0	8	2:45 PM	0	0	19
3:00 AM	0	0	8	3:00 PM	6	3	22
3:15 AM	0	0	8	3:15 PM	6	1	27
3:30 AM	0	0	8	3:30 PM	1	1	27
3:45 AM	0	0	8	3:45 PM	3	2	28
4:00 AM	0	0	8	4:00 PM	2	1	29
4:15 AM	0	0	8	4:15 PM	1	5	25
4:30 AM	1	1	8	4:30 PM	2	1	26
4:45 AM	0	0	8	4:45 PM	4	1	29
5:00 AM	0	0	8	5:00 PM	2	4	27
5:15 AM	1	2	7	5:15 PM	0	2	25
5:30 AM	0	0	7	5:30 PM	0	0	25
5:45 AM	0	0	7	5:45 PM	1	4	22
6:00 AM	0	0	7	6:00 PM	1	4	19
6:15 AM	0	0	7	6:15 PM	0	2	17
6:30 AM	0	0	7	6:30 PM	0	3	14
6:45 AM	1	2	6	6:45 PM	0	1	13
7:00 AM	0	0	6	7:00 PM	1	2	12
7:15 AM	0	0	6	7:15 PM	1	3	10
7:30 AM	0	0	6	7:30 PM	0	2	8
7:45 AM	0	1	5	7:45 PM	1	0	9
8:00 AM	2	0	7	8:00 PM	2	2	9
8:15 AM	0	1	6	8:15 PM	0	0	9
8:30 AM	1	2	5	8:30 PM	1	2	8
8:45 AM	0	0	5	8:45 PM	0	0	8
9:00 AM	1	1	5	9:00 PM	0	0	8
9:15 AM	0	0	5	9:15 PM	0	1	7
9:30 AM	1	0	6	9:30 PM	0	0	7
9:45 AM	0	0	6	9:45 PM	0	0	7
10:00 AM	1	1	6	10:00 PM	0	1	6
10:15 AM	0	1	5	10:15 PM	1	1	6
10:30 AM	0	0	5	10:30 PM	0	0	6
10:45 AM	1	1	5	10:45 PM	0	0	6
11:00 AM	1	0	6	11:00 PM	0	0	6
11:15 AM	1	2	5	11:15 PM	0	0	6
11:30 AM	2	1	6	11:30 PM	0	0	6
11:45 AM	0	1	5	11:45 PM	2	0	8
				Total	78	78	

ATTACHMENT 3(b)
Parcel FF Parking Lot Driveway Count Data
and Calculated Parking Lot Occupancies

Crain & Associates
July 14, 2009

Saturday, June 27, 2009

Morning				Afternoon			
Time			Parking	Time			Parking
<u>Beginning</u>	<u>In</u>	<u>Out</u>	<u>Occupancy</u>	<u>Beginning</u>	<u>In</u>	<u>Out</u>	<u>Occupancy</u>
12:00 AM	0	0	0	12:00 PM	1	1	11
12:15 AM	0	0	0	12:15 PM	3	1	13
12:30 AM	0	0	0	12:30 PM	1	0	14
12:45 AM	0	0	0	12:45 PM	2	0	16
1:00 AM	0	0	0	1:00 PM	2	0	18
1:15 AM	0	0	0	1:15 PM	1	3	16
1:30 AM	0	0	0	1:30 PM	1	1	16
1:45 AM	0	0	0	1:45 PM	2	0	18
2:00 AM	0	0	0	2:00 PM	2	1	19
2:15 AM	0	0	0	2:15 PM	0	1	18
2:30 AM	0	0	0	2:30 PM	2	0	20
2:45 AM	0	0	0	2:45 PM	0	0	20
3:00 AM	0	0	0	3:00 PM	8	0	28
3:15 AM	0	0	0	3:15 PM	1	2	27
3:30 AM	0	0	0	3:30 PM	0	3	24
3:45 AM	0	0	0	3:45 PM	3	1	26
4:00 AM	0	0	0	4:00 PM	1	1	26
4:15 AM	0	0	0	4:15 PM	0	0	26
4:30 AM	0	0	0	4:30 PM	0	1	25
4:45 AM	0	0	0	4:45 PM	3	0	28
5:00 AM	0	0	0	5:00 PM	1	3	26
5:15 AM	0	0	0	5:15 PM	1	7	20
5:30 AM	0	0	0	5:30 PM	4	9	15
5:45 AM	0	0	0	5:45 PM	2	2	15
6:00 AM	0	0	0	6:00 PM	0	3	12
6:15 AM	0	0	0	6:15 PM	0	1	11
6:30 AM	0	0	0	6:30 PM	3	1	13
6:45 AM	0	0	0	6:45 PM	0	1	12
7:00 AM	0	0	0	7:00 PM	0	0	12
7:15 AM	2	0	2	7:15 PM	1	6	7
7:30 AM	2	0	4	7:30 PM	0	0	7
7:45 AM	1	0	5	7:45 PM	3	2	8
8:00 AM	3	0	8	8:00 PM	3	2	9
8:15 AM	2	1	9	8:15 PM	2	2	9
8:30 AM	0	0	9	8:30 PM	0	0	9
8:45 AM	0	0	9	8:45 PM	0	0	9
9:00 AM	0	0	9	9:00 PM	0	2	7
9:15 AM	1	1	9	9:15 PM	0	0	7
9:30 AM	0	0	9	9:30 PM	1	0	8
9:45 AM	0	0	9	9:45 PM	0	0	8
10:00 AM	0	0	9	10:00 PM	1	1	8
10:15 AM	1	1	9	10:15 PM	0	0	8
10:30 AM	1	0	10	10:30 PM	1	0	9
10:45 AM	1	1	10	10:45 PM	0	2	7
11:00 AM	0	0	10	11:00 PM	0	0	7
11:15 AM	0	0	10	11:15 PM	1	2	6
11:30 AM	3	1	12	11:30 PM	1	1	6
11:45 AM	0	1	11	11:45 PM	0	2	4
				Total	75	71	

ATTACHMENT 3(c)
Parcel FF Parking Lot Driveway Count Data
and Calculated Parking Lot Occupancies

Crain & Associates
July 14, 2009

Sunday, June 28, 2009

Morning				Afternoon			
Time			Parking	Time			Parking
<u>Beginning</u>	<u>In</u>	<u>Out</u>	<u>Occupancy</u>	<u>Beginning</u>	<u>In</u>	<u>Out</u>	<u>Occupancy</u>
12:00 AM	0	0	4	12:00 PM	0	0	13
12:15 AM	0	0	4	12:15 PM	3	3	13
12:30 AM	0	0	4	12:30 PM	4	1	16
12:45 AM	0	0	4	12:45 PM	2	1	17
1:00 AM	0	0	4	1:00 PM	1	0	18
1:15 AM	0	0	4	1:15 PM	1	0	19
1:30 AM	0	0	4	1:30 PM	2	0	21
1:45 AM	0	0	4	1:45 PM	0	0	21
2:00 AM	0	1	3	2:00 PM	2	2	21
2:15 AM	0	0	3	2:15 PM	3	2	22
2:30 AM	0	0	3	2:30 PM	0	0	22
2:45 AM	0	0	3	2:45 PM	3	1	24
3:00 AM	0	0	3	3:00 PM	1	3	22
3:15 AM	1	0	4	3:15 PM	0	0	22
3:30 AM	0	0	4	3:30 PM	2	1	23
3:45 AM	0	0	4	3:45 PM	1	0	24
4:00 AM	0	0	4	4:00 PM	0	1	23
4:15 AM	0	0	4	4:15 PM	0	1	22
4:30 AM	0	0	4	4:30 PM	1	2	21
4:45 AM	0	0	4	4:45 PM	0	3	18
5:00 AM	0	0	4	5:00 PM	3	2	19
5:15 AM	0	0	4	5:15 PM	0	1	18
5:30 AM	2	1	5	5:30 PM	0	3	15
5:45 AM	0	0	5	5:45 PM	0	3	12
6:00 AM	0	1	4	6:00 PM	1	3	10
6:15 AM	0	0	4	6:15 PM	1	3	8
6:30 AM	0	0	4	6:30 PM	4	5	7
6:45 AM	0	0	4	6:45 PM	1	1	7
7:00 AM	1	0	5	7:00 PM	0	0	7
7:15 AM	0	0	5	7:15 PM	0	1	6
7:30 AM	0	0	5	7:30 PM	0	0	6
7:45 AM	1	0	6	7:45 PM	0	0	6
8:00 AM	6	2	10	8:00 PM	2	0	8
8:15 AM	5	0	15	8:15 PM	1	2	7
8:30 AM	0	1	14	8:30 PM	0	0	7
8:45 AM	0	1	13	8:45 PM	0	0	7
9:00 AM	1	0	14	9:00 PM	0	2	5
9:15 AM	1	0	15	9:15 PM	1	0	6
9:30 AM	1	0	16	9:30 PM	1	1	6
9:45 AM	0	0	16	9:45 PM	0	0	6
10:00 AM	0	0	16	10:00 PM	0	0	6
10:15 AM	1	1	16	10:15 PM	0	0	6
10:30 AM	0	1	15	10:30 PM	0	0	6
10:45 AM	2	2	15	10:45 PM	0	0	6
11:00 AM	0	0	15	11:00 PM	0	0	6
11:15 AM	1	0	16	11:15 PM	0	0	6
11:30 AM	0	2	14	11:30 PM	0	0	6
11:45 AM	0	1	13	11:45 PM	0	0	6
Total					64	62	

ATTACHMENT 4(a)
Parcel FF Parking Lot 12 Count Data
Observed Residential vs. Marina-Related Parking Activity

Monday May 25, 2009

Arrival Time	Observed Vehicle Occupant Destination
11:11 AM	Marina (destination unknown)
12:42 PM	Marina (destination unknown)
12:53 PM	Apartments, west side of Via Marina
12:57 PM	Apartments, south side of Marquesas Way
1:04 PM	Apartments, south side of Marquesas Way
1:17 PM	Marina (walk dogs)
1:21 PM	Apartments, west side of Via Marina
1:31 PM	Apartments, south side of Marquesas Way
1:36 PM	Apartments, south side of Marquesas Way
1:58 PM	Apartments, west of Via Marina
2:08 PM	Apartments, south side of Marquesas Way
2:09 AM	Marina (destination unknown)
2:29 PM	Marina (destination unknown)
2:30 PM	Apartments, south side of Marquesas Way
2:30 PM	Marina/Beach
2:37 PM	Marina/Beach
2:39 PM	Marina/Beach
2:40 PM	Marina/Beach
2:43 PM	Marina/Beach
2:44 PM	Apartments, south side of Marquesas Way
3:03 PM	Marina/Beach
3:03 PM	Marina/Beach
3:05 PM	Marina (destination unknown)
3:10 PM	Marina (destination unknown)
3:12 PM	Marina/Beach
3:13 PM	Marina/Beach
3:18 PM	Marina (destination unknown)
3:18 PM	Marina/Beach
3:18 PM	Marina (destination unknown)
3:18 PM	Marina (destination unknown)
3:26 PM	Marina (destination unknown)
3:28 PM	Marina/Beach
3:50 PM	Apartments, south side of Marquesas Way
3:56 PM	Apartments, south side of Marquesas Way
3:56 PM	Apartments, south side of Marquesas Way
4:12 PM	Apartments, south side of Marquesas Way
4:35 PM	Apartments, west side of Via Marina
4:39 PM	Apartments, south side of Marquesas Way
4:49 PM	Marina (destination unknown)
4:59 PM	Apartments, north side of Marquesas Way
5:09 PM	Marina (destination unknown)
5:10 PM	Marina (destination unknown)

Totals:

Apartment/Resident Activity:	17	40% Apartment/Residential Use
Marina/Beach Activity:	25	60% Marina/Beach Use
Total:	42	

ATTACHMENT 4(b)
Parcel FF Parking Lot 12 Count Data
Observed Residential vs. Marina-Related Parking Activity

Saturday June 27, 2009

<u>Arrival Time</u>	<u>Observed Vehicle Occupant Destination</u>
10:46 AM	Apartments, south side of Marquesas Way
11:35 AM	Apartments, north on Via Marina
12:21 PM	Apartments, east on Marquesas Way
12:22 PM	Marina (destination unknown)
12:40 PM	Apartments, east on Marquesas Way
12:45 PM	Apartments, south side of Marquesas Way
12:58 PM	Apartments, south side of Marquesas Way
1:00 PM	Apartments, south side of Marquesas Way
1:01 PM	Apartments, south side of Marquesas Way
1:18 PM	Apartments, west side of Via Marina
1:48 PM	Apartments, south side of Marquesas Way
1:59 PM	Apartments, south side of Marquesas Way
2:06 PM	Apartments, south side of Marquesas Way
2:30 PM	Apartments, north on Via Marina
2:35 PM	Apartments, south side of Marquesas Way
3:02 PM	Apartments, south side of Marquesas Way
3:05 PM	Marina/Beach
3:06 PM	Marina/Beach
3:07 PM	Marina/Beach
3:09 PM	Apartments, west side of Via Marina
3:09 PM	Apartments, west side of Via Marina
3:11 PM	Apartments, west side of Via Marina
3:11 PM	Apartments, west side of Via Marina
3:23 PM	Apartments, south side of Marquesas Way
3:48 PM	Apartments, west side of Via Marina
3:56 PM	Apartments, west side of Via Marina
3:59 PM	Apartments, south side of Marquesas Way
4:12 PM	Marina/Beach

Totals:

Apartment/Resident Activity:	23	82% Apartment/Residential Use
Marina/Beach Activity:	5	18% Marina/Beach Use
Total:	28	

ATTACHMENT 4(c)
Parcel FF Parking Lot 12 Count Data
Observed Residential vs. Marina-Related Parking Activity

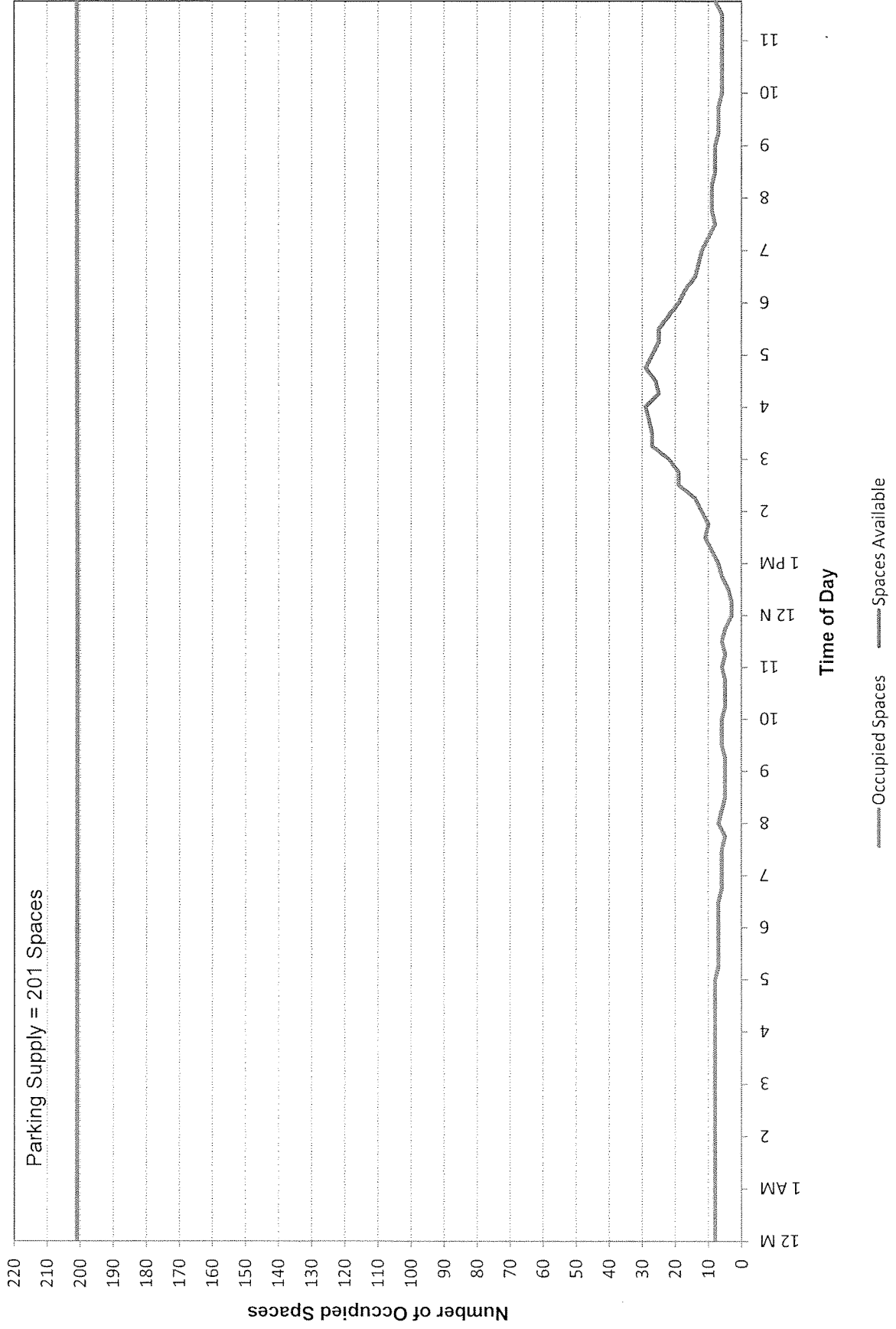
Sunday June 28, 2009

<u>Arrival Time</u>	<u>Observed Vehicle Occupant Destination</u>
9:05 AM	Apartments, south side of Marquesas Way
9:43 AM	Marina (destination unknown)
10:28 AM	Marina/Beach
10:59 AM	Apartments, south side of Marquesas Way
11:26 AM	Marina/Beach
12:15 PM	Apartments, south side of Marquesas Way
12:21 PM	Apartments, east on Marquesas Way
12:32 PM	Apartments, south side of Marquesas Way
12:42 PM	Marina/Beach
12:43 PM	Apartments, east on Marquesas Way
12:50 PM	Marina/Beach
12:59 PM	Apartments, south side of Marquesas Way
1:05 PM	Apartments, south side of Marquesas Way
1:16 PM	Apartments, west side of Via Marina
1:37 PM	Apartments, south side of Marquesas Way
1:37 PM	Apartments, south side of Marquesas Way
2:06 PM	Apartments, west side of Via Marina
2:12 PM	Marina (destination unknown)
2:20 PM	Marina/Beach
2:25 PM	Marina (destination unknown)
2:48 PM	Marina (destination unknown)
2:55 PM	Apartments, east on Marquesas Way
3:31 PM	Marina (destination unknown)
3:43 PM	Marina (destination unknown)
3:55 PM	Apartments, south side of Marquesas Way

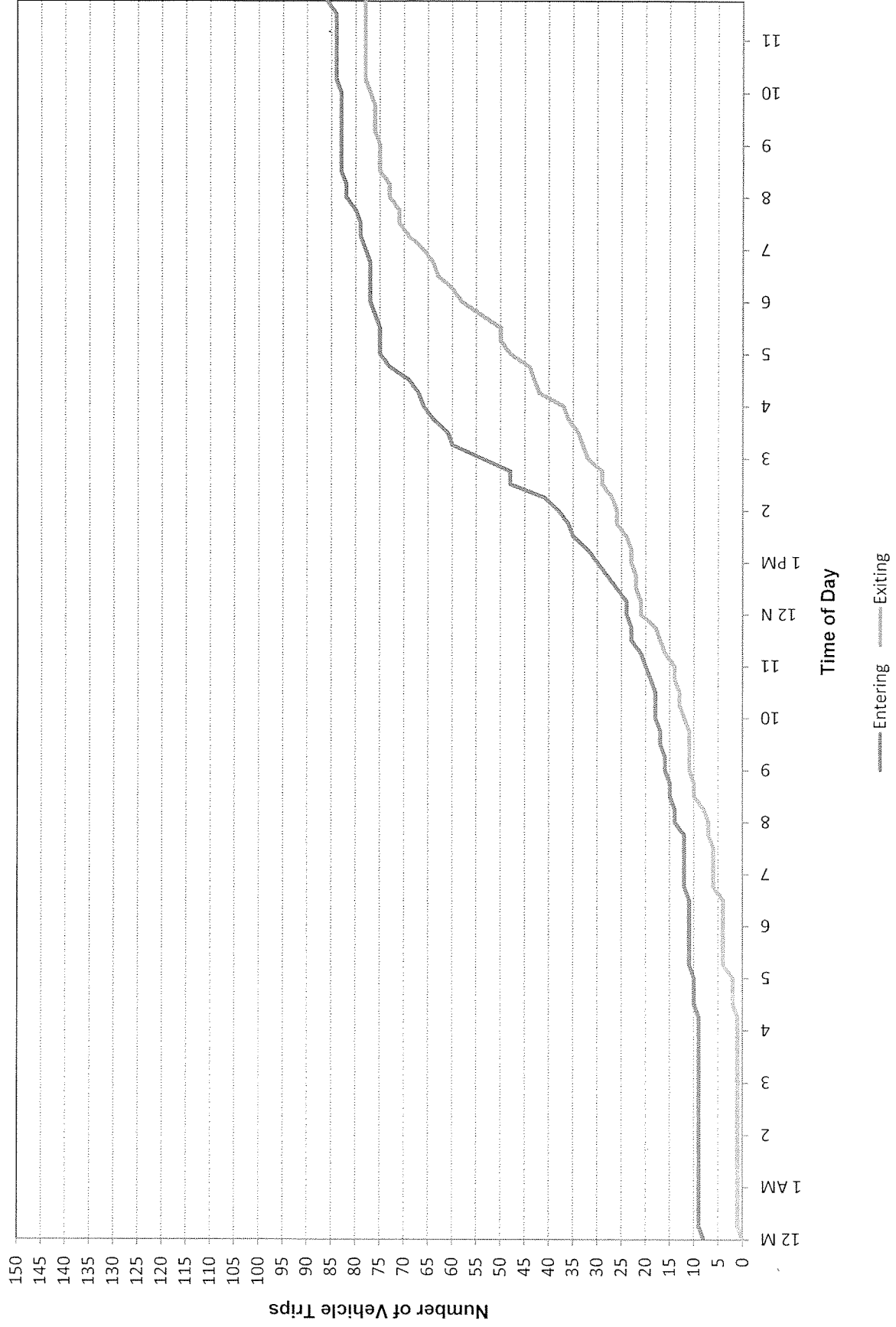
Totals:

Apartment/Resident Activity:	14	56% Apartment/Residential Use
Marina/Beach Activity:	11	44% Marina/Beach Use
Total:	25	

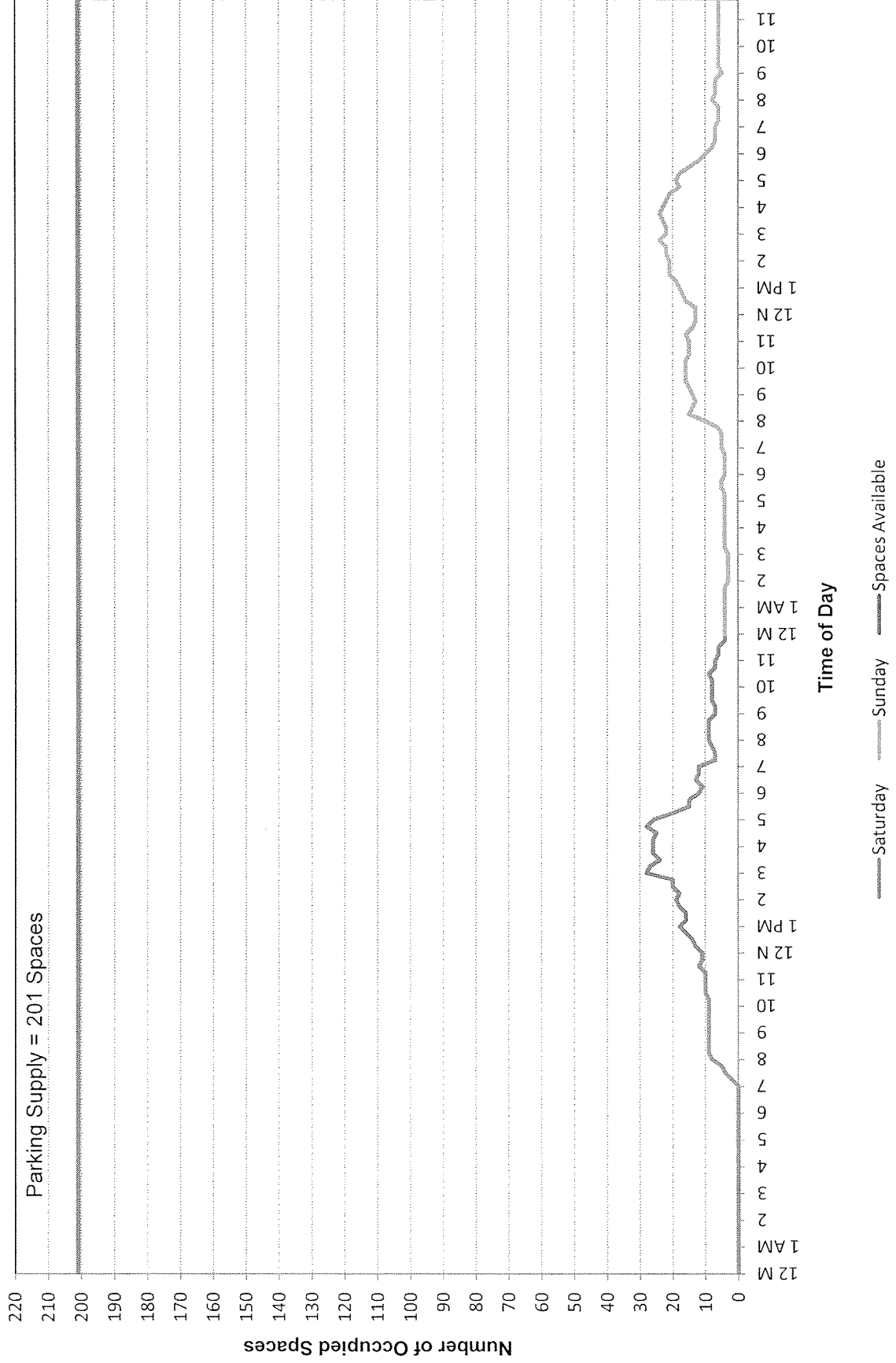
ATTACHMENT 5(a)
PARCEL FF VEHICLE PARKING OCCUPANCY
Monday, May 25, 2009



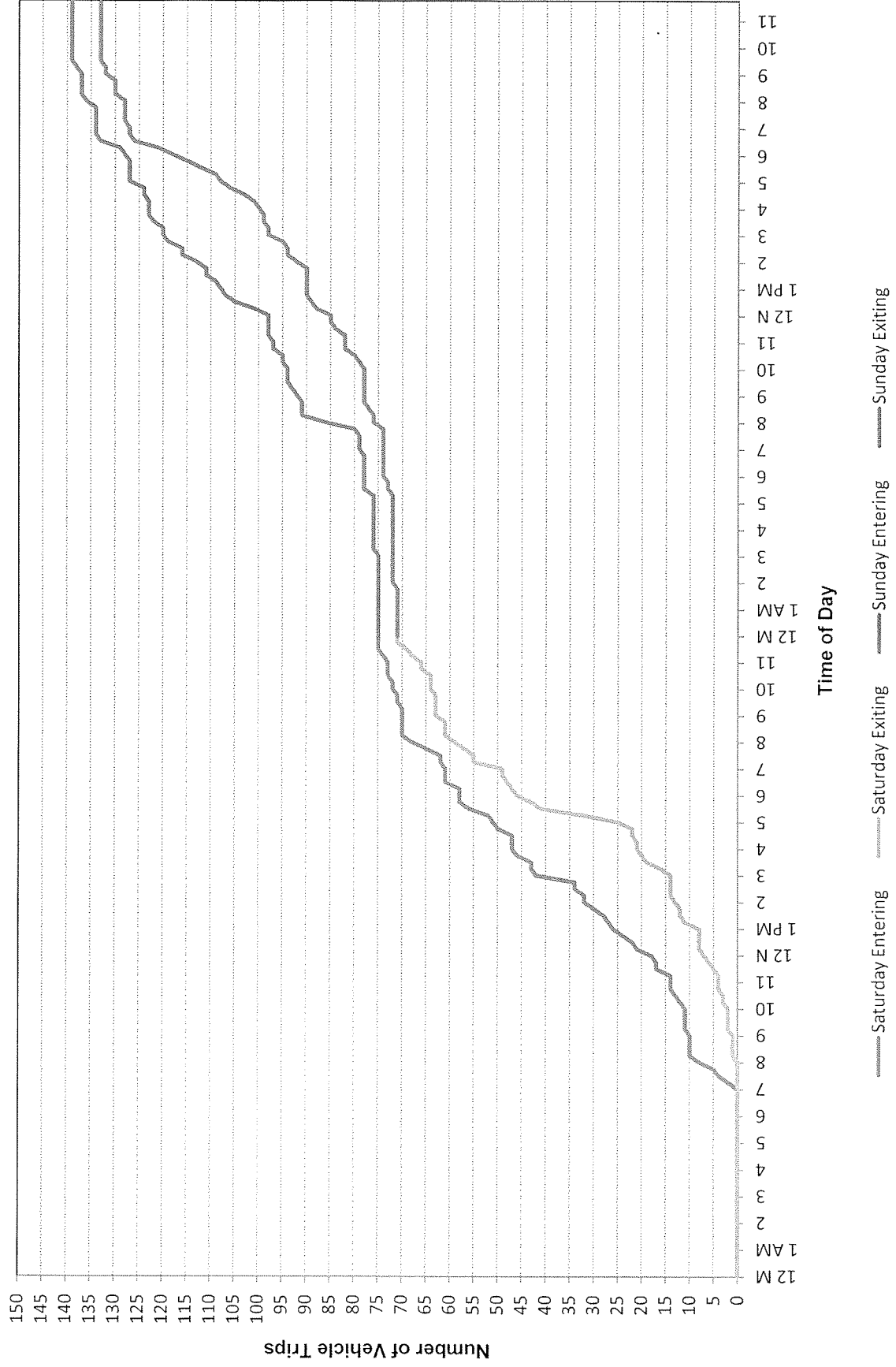
ATTACHMENT 5(b)
PARCEL FF VEHICLE TRIP ACCUMULATIONS
Monday, May 25, 2009



ATTACHMENT 5(c) PARCEL FF VEHICLE PARKING OCCUPANCY Saturday and Sunday (June 27 and 28, 2009)



ATTACHMENT 5(d)
PARCEL FF VEHICLE TRIP ACCUMULATIONS
Saturday and Sunday
(June 27 and 28, 2009)



ATTACHMENT 6
COUNTY OWNED PUBLIC PARKING LOTS

FIGURE 3
COUNTY OWNED PUBLIC PARKING LOTS¹

Lot	Parcel	Address	Capacity	Remarks
1	W	13737 Fiji Way	483 ²	Fisherman's Village
2	49R	13477 Fiji Way	466 ³	Public Parking/Launch Ramp
4	49M	13500 Mindanao Way	124	Overflow -- Chace Park Marina Shopping Center
5	UR	4545 Admiralty Way	240	Overflow MdR Hotel, Other
6	SS	4500 Admiralty Way	115	Admiralty Park -- Turf
7	Q	4350 Admiralty Way	118	Admiralty Park -- Paved
8	OT	4220 Admiralty Way	186	Overflow -- Beach, Int'l. Hotel, Other
9	N	14101 Palawan Way	191	Beach, Overflow
10	IR	4101 Admiralty	216	Beach
11	GR	14101 Panay Way	264	Beach, Overflow
12	FF	14151 Marquesas Way	207	Overflow - Pierview Cafe
13	3	4601 Via Marina	140	Channel Vista, Overflow
14	A	4601 Via Marina	60 ⁴	Channel Vista
15	LLS	4001 Via Marina	10	
16	EE	13650 Mindanao	60 ⁵	Chace Park
17	83	13399 Fiji Way	13 ⁶	
	52	13051 Fiji Way	245	Temporary Parking
TOTAL			3,138	

Source: Los Angeles County Department of Beaches and Harbors, *County Owned Public Parking Lots*, April 3, 1990.

User Fees

¹ Parking fees range from \$1.00 to \$5.00 per 24 hour period except Lot 7 which is \$.50.

² Special AMPCO validation system.

³ Fee of \$4.00 charge for car and trailer, includes parking. Capacity is 233 with combination boat and trailer.

⁴ Metered, 25 cents each hour.

⁵ Metered, 25 cents per hour.

⁶ No charge. Permittee pays in lieu fee.

ATTACHMENT 7

LOT 12 PARKING UTILIZATION STUDY, AUGUST 20, 2004

Crain & Associates

Of Southern California

FEDERAL EXPRESS

August 20, 2004

2007 Sawtelle Boulevard, Suite 4
Los Angeles, California 90025
Telephone (310) 473-6508
Facsimile (310) 444-9771

Mr. John Santry
Development Manager
Legacy Partners
30 Executive Park, Suite 100
Irvine, California 92614

RE: Parking Utilization Study – Parcel FF (Lot 12) in Marina del Rey

Dear John,

We have completed our review and analysis of the typical (non-holiday) weekend parking utilizations for public parking Lot 12 on Parcel FF in Marina del Rey. A detailed description of the analysis methodologies and findings is provided below, but to summarize the results of our study, the parking lot is not heavily utilized during typical weekends, with an average of between 60 and 70 vehicles accessing the parking facilities during any of the 24-hour periods examined. These vehicles do not arrive all at once, but are spread out throughout the day, and as a result, only about 25 to 30 vehicles are actually parked at the lot during the maximum utilizations observed. This equates to a maximum of 15 percent of the approximately 206 spaces provided.

However, this data alone does not reflect the entire story. Observations of the activity at the lot indicated that, during the daytime hours (8:30 AM to 4:30 PM), a majority of the vehicles accessing the parking lot were associated with residential parking needs for the adjacent apartments. These vehicles, some of which were observed to stay in the lot for extended periods (such as throughout the weekend or longer), are used by residents or visitors to the apartment developments located adjacent to or near by this parking lot. Therefore, of the 30 or so vehicles using the lot during the peak utilization periods, our observations indicate that over one-half of the parking lot visitors use the lot as residential overflow parking for the nearby developments.

Analysis Methodology and Data Collection

Public Parking Lot 12 is located on Parcel FF, at the northeast corner of Via Marina and Marquesas Way in Marina del Rey. The lot is accessed via a single driveway located near the eastern end of the lot, and provides a total of 206 parking spaces. Access to the parking lot is controlled by an automated gate arm, and there is a flat fee of \$5.00 per entry at all times of the day. A schematic layout of Parking Lot 12 is attached for reference.

Data used to identify the activity and utilization of the lot was collected using two separate methods. First, automated pneumatic traffic count tubes were placed across the Lot 12 entry and exit driveway lanes, to record the number of vehicles entering and exiting the lot on a 24-hour basis. The data provided by these counters was used to produce a 24-hour profile of vehicular activity at the lot, including total vehicles accessing the lot; identification of peak activity periods throughout the weekend; and a calculation of the "accumulation" of vehicles parked in the lot at any time during the weekends surveyed.

Secondly, manual parking lot utilization counts ("sweeps") were conducted during the daytime hours when the lot is most active. These counts occurred on an hourly basis between 8:30 AM and 4:30 PM, and involved physically counting the number of vehicles parked in the lot during each hour. Additionally, as vehicles entered the lot during these times, the general destinations of the occupants was noted, in order to provide basic information regarding whether the vehicle was parking for Marina-related activities, or if it was in conjunction with the adjacent apartment uses. Drivers and other occupants of the vehicles were not interviewed as to their destinations or purpose for the visit; the data collected was observational in nature, and exact destinations could not be determined for all activities. In general, if persons were not observed directly accessing the nearby apartments, the destination was conservatively assumed to be "Marina related".

Data was collected over a period of three non-holiday weekends in late June and mid-July, 2004. Automated "tube" counts were conducted on both Saturday and Sunday on June 26th and 27th, on July 10th and 11th, and again on July 17th and 18th. Manual parking sweeps and vehicle occupant destination observations were performed on Saturday, July 10th and again on Saturday and Sunday, July 17th and 18th. These days represent typical non-holiday summer weekends. Weather conditions were also typical, with some early morning fog or cloudiness, clearing in the late morning. Temperatures were in the upper 70's and low 80's on all of the survey days.

Analysis Results and Conclusions

A review of the preliminary data indicated that the 24-hour counts performed on June 26th and 27th were corrupted. The tubes became dislodged during late Saturday, and did not accurately tally the entry or exit volumes for the site. No daytime manual parking sweeps were scheduled for this weekend, and as such, no correlating data was available with which to correct the tube count inaccuracies. Therefore, the data from this weekend was not utilized in our analyses. However, periodic "spot" observations of the site during the day indicated that there were approximately nine vehicles parked in the lot at 11:30 AM, 13 vehicles on site at 3:15 PM, and 22 vehicles using the parking lot at 8:15 PM. While not included in our assessment of the Lot 12 utilizations, these observations are consistent with the data collected during the later weekends.

The 24-hour vehicle counts conducted on July 17th and 18th, and again of the 24th and 25th were, however, supplemented by manual parking sweeps and vehicle occupant destination observations, with the exception of Sunday July 11th. The data collected during these periods is summarized in the attachments to this letter. These attachments include the 24-hour automated count summary sheets; a summary of the calculated "vehicle accumulations" based on these counts, including the manual parking sweep correlation data; and a log of the vehicle occupant destination observations. Also provided are several graphics showing the parking lot utilizations for each of the four days, as well as graphs detailing the cumulative entry/exit and parking activity on the lot. The vehicle occupancy graph (single line graph) indicates the total number of vehicles parked on the lot during each hour of the surveyed weekends. The cumulative parking activity graph (two-line graph) show the entering versus exiting traffic at the lot throughout each weekend. The parking lot occupancy can be determined by the vertical distance between the upper and lower lines. These graphs present the same data as the parking accumulation graphs, but in a format that identifies the total traffic generated by the parking activity.

As shown in these attachments, the parking activity at Lot 12 was not heavy during either of the two weekends surveyed. On Saturday July 10th, a total of 66 vehicles entered the lot, and maximum parking occupancy was about 28 vehicles at 3:00 PM. On this day, of 16 vehicles observed between 8:30 AM and 4:30 PM, 13 vehicles (81 percent) had destinations related to the adjacent apartment developments. Activity on Sunday July 11th was slightly less, with a total of 59 vehicles entering the site. However, peak parking use was slightly higher, with a total of 31 vehicles parked in the lot at about 3:45 PM. No destination observations were taken on this day.

The following weekend, on Saturday July 17th, a total of 71 vehicles entered the lot, and maximum parking utilization occurred between about 4:30 and 5:30 PM, when 27 vehicles were present. Of the 31 vehicles observed during that day, occupants of 20 of those vehicles (65 percent) were destined for the nearby apartment uses. Finally, on Sunday July 18th, 56 vehicles accessed the parking lot. The peak parking use for this day was 27 vehicles, which occurred at 2:30 PM and again at 3:45 PM. The majority of the nominal parking activity observed on this day (20 of the 28 observed vehicles) appeared to be related to uses other than the adjacent apartment developments.

In total, the activity at Parking Lot 12 was nominal. Over the four weekend days observed, a total of only 252 vehicles entered the lot, or an average of 63 vehicles per day. Peak parking utilization of the 206-space lot was only 31 vehicles (15 percent), and typical midday parking lot occupancies were approximately 20 or so vehicles during all of the days surveyed. Additionally, the average data showed that over half of the vehicles parked in the lot at any time were in conjunction with the nearby apartments. The average of the three days observed showed that approximately 55 percent of the parking activity was due to resident or visitor parking for the adjacent or nearby apartment developments.

Letter to Mr. John Santry
August 20, 2004
Page Four

Based on our data, observations, and analyses, it is our conclusion that Parking Lot 12 does not well serve the public parking function for which it was initially intended. The lack of public parking use of Lot 12 is perhaps best explained by the LCP's reference to Lot 12 as "overflow" parking for the Pierview Café (see attached Figure 3, "County Owned Public Parking Lots" from the Marina del Rey Land Use Plan). Once a popular restaurant located across Marquesas Way from Lot 12 on parcel 10R, the Pierview Café went out of business some years ago and the restaurant structure was converted to storage use related to the existing Neptune Marina apartments on Parcel 10R. Thus, patron "overflow" parking for that establishment is no longer needed at Lot 12.

Our observations and analyses indicate that the Lot 12 location within the Marina is not conducive to its use as a public parking facility. The lot is not directly adjacent to any public beach within the Marina and it is located quite far from the Pacific Ocean beaches. Moreover, the western side of Marina del Rey, particularly south of Panay Way, is primarily a residential community, and there is little public-related or visitor-serving activity that occurs in this area. This lack of marine or visitor-related parking use on Lot 12 is contrasted by the primary use of the lot by residents and visitors of the nearby and adjacent apartment developments. Most of the vehicles currently using the Lot 12 facilities are overflow parking from these developments, either due to convenience or lack of adequate on site parking for the individual developments. However, this amount of parking is not significant, and overall, Lot 12 is inadequately utilized, with a maximum parking occupancy of 15 percent during the two weekends surveyed. (It should be noted that as the Lot 12-adjacent Parcels 10R, 12, and 15 are redeveloped with new apartment and anchorage facilities, the parking facilities for these projects will be significantly upgraded and the amount of on site parking increased to be consistent with current County Code parking requirements. The additional on site parking supplies for these developments will further reduce the parking usage of Lot 12, as persons who currently utilize this lot as overflow parking for the currently inadequate parking supplies at the adjacent residential developments will relocate to the free guest parking facilities provided in these new apartment and marina projects.)

Please review the data and conclusions discussed above and summarized in the attachments, and feel free to call me if you have any questions.

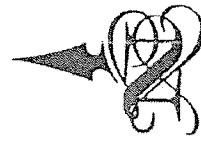
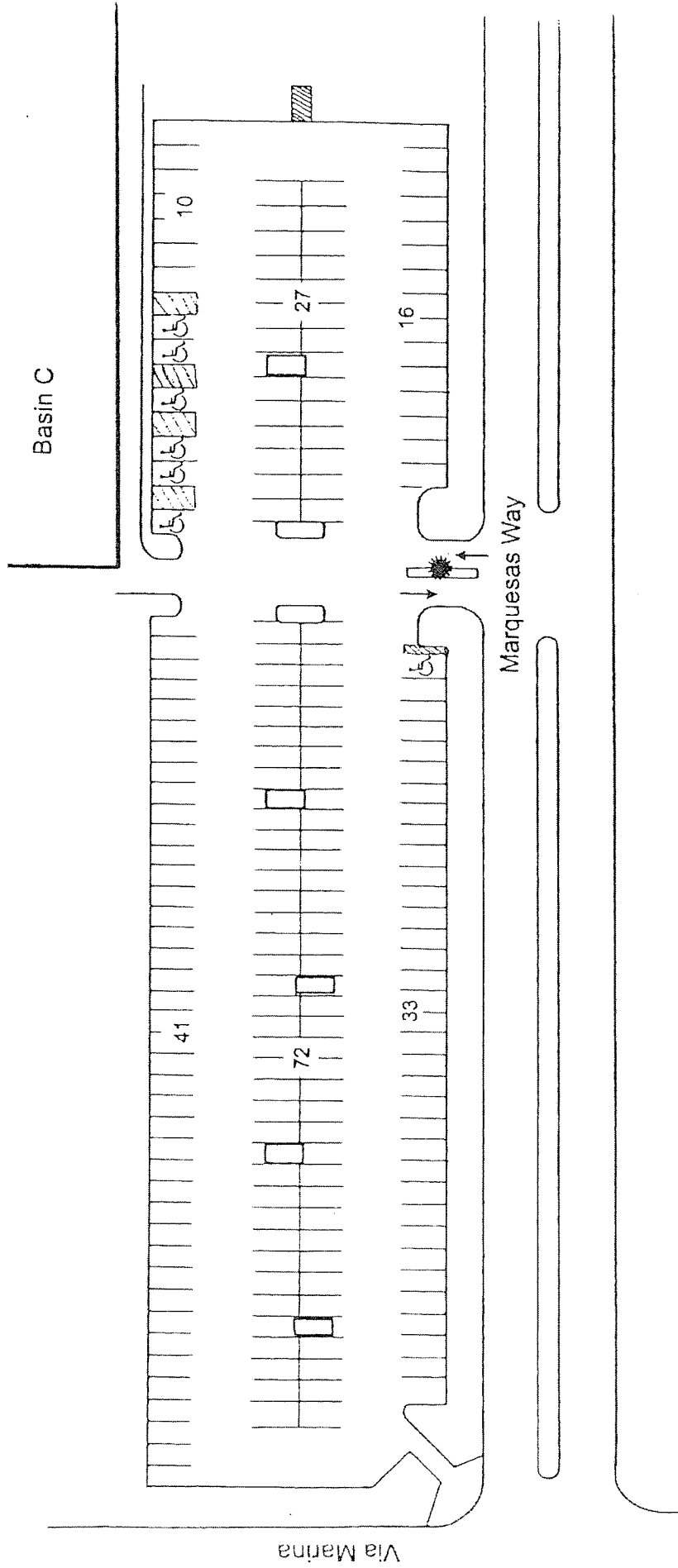
Sincerely,



Ron Hirsch
Senior Transportation Planner

RH
C15032
attachments
cc: Aaron Clark

PARKING LOT #12 (Parcel FF)



☀ Pay and Display Machine

REGULAR SPACES	199
DISABLED	7
TOTAL	206

THE TRAFFIC SOLUTION - ADT WORKSHEET

CLIENT: CRAIN & ASSOCIATES
 PROJECT: PARCEL FF - MARINA DEL REY
 LOCATION: ACCESS DRIVEWAY
 DATE: SATURDAY, JULY 10, 2004
 FILE NO: A-1

DIRECTION:		ENTRANCE			
TIME	00-15	15-30	30-45	45-60	HOUR TOTALS
00:00	0	0	1	0	1
01:00	0	0	0	0	0
02:00	0	0	0	0	0
03:00	0	0	0	0	0
04:00	0	0	0	0	0
05:00	0	0	0	0	0
06:00	0	2	0	0	2
07:00	0	2	0	0	2
08:00	8	0	1	0	9
09:00	0	4	0	0	4
10:00	0	0	0	0	0
11:00	0	1	0	0	1
12:00	0	0	0	7	7
13:00	0	6	0	0	6
14:00	0	0	3	4	7
15:00	2	2	0	3	7
16:00	3	2	1	0	6
17:00	0	0	0	0	0
18:00	2	3	2	0	7
19:00	0	0	2	0	2
20:00	2	0	0	0	2
21:00	0	0	0	2	2
22:00	0	0	0	0	0
23:00	1	0	0	0	1
TOTAL					63
AM PEAK HOUR		07:15-08:15			
VOLUME		10			
PM PEAK HOUR		12:30-13:30			
VOLUME		13			

DIRECTION:		EXIT			
TIME	00-15	15-30	30-45	45-60	HOUR TOTALS
00:00	0	0	0	0	0
01:00	0	0	0	0	0
02:00	0	0	0	0	0
03:00	0	0	0	0	0
04:00	0	0	0	0	0
05:00	0	0	0	0	0
06:00	0	0	0	0	0
07:00	1	1	0	0	2
08:00	0	1	2	0	3
09:00	0	0	1	0	1
10:00	0	0	1	0	1
11:00	0	2	0	0	2
12:00	0	0	0	0	0
13:00	0	0	0	0	0
14:00	0	4	0	0	4
15:00	0	6	4	2	12
16:00	1	0	2	0	3
17:00	1	3	0	2	6
18:00	2	0	0	0	2
19:00	0	2	5	2	9
20:00	0	1	0	3	4
21:00	0	2	1	1	4
22:00	0	0	0	3	3
23:00	0	0	2	1	3
TOTAL					59
AM PEAK HOUR		07:45-08:45			
VOLUME		3			
PM PEAK HOUR		15:15-16:15			
VOLUME		13			

TOTAL BI-DIRECTIONAL VOLUME	125
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THE TRAFFIC SOLUTION - ADT WORKSHEET

CLIENT: CRAIN & ASSOCIATES
 PROJECT: PARCEL FF - MARINA DEL REY
 LOCATION: ACCESS DRIVEWAY
 DATE: SUNDAY, JULY 11, 2004
 FILE NO: A-2

DIRECTION:		ENTRANCE			
TIME	00-15	15-30	30-45	45-60	HOUR TOTALS
00:00	0	0	0	0	0
01:00	0	0	0	0	0
02:00	0	0	0	0	0
03:00	0	0	0	0	0
04:00	0	0	0	0	0
05:00	0	0	0	0	0
06:00	0	0	0	0	0
07:00	0	4	2	0	6
08:00	0	0	1	0	1
09:00	0	0	2	0	2
10:00	1	2	0	0	3
11:00	1	2	2	5	10
12:00	0	1	0	3	4
13:00	0	1	1	0	2
14:00	3	0	0	0	3
15:00	2	5	5	1	13
16:00	0	4	0	0	4
17:00	0	0	2	0	2
18:00	0	0	2	0	2
19:00	0	0	0	0	0
20:00	2	0	0	0	2
21:00	0	5	0	0	5
22:00	0	0	0	0	0
23:00	0	0	0	0	0
				TOTAL	59
AM PEAK HOUR		11:00-12:00			
VOLUME		10			
PM PEAK HOUR		15:00-16:00			
VOLUME		8			

DIRECTION:		EXIT			
TIME	00-15	15-30	30-45	45-60	HOUR TOTALS
00:00	0	0	0	2	2
01:00	0	2	0	0	2
02:00	0	0	0	0	0
03:00	0	0	1	0	1
04:00	0	0	0	0	0
05:00	0	0	0	0	0
06:00	0	0	0	1	1
07:00	0	1	0	0	1
08:00	0	0	0	1	1
09:00	0	0	2	0	2
10:00	0	0	0	0	0
11:00	1	0	4	0	5
12:00	0	3	1	0	4
13:00	0	0	0	0	0
14:00	1	0	0	0	1
15:00	0	0	0	0	0
16:00	2	3	1	0	6
17:00	5	0	1	3	9
18:00	1	0	0	1	2
19:00	1	2	0	0	3
20:00	2	1	5	0	8
21:00	0	0	0	0	0
22:00	0	0	0	1	1
23:00	2	0	0	0	2
				TOTAL	51
AM PEAK HOUR		10:45-11:45			
VOLUME		5			
PM PEAK HOUR		17:00-18:00			
VOLUME		9			

TOTAL BI-DIRECTIONAL VOLUME	110
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Parcel FF Parking Lot Driveway Counts
and Calculated Parking Lot Occupancies

Saturday July 10, 2004

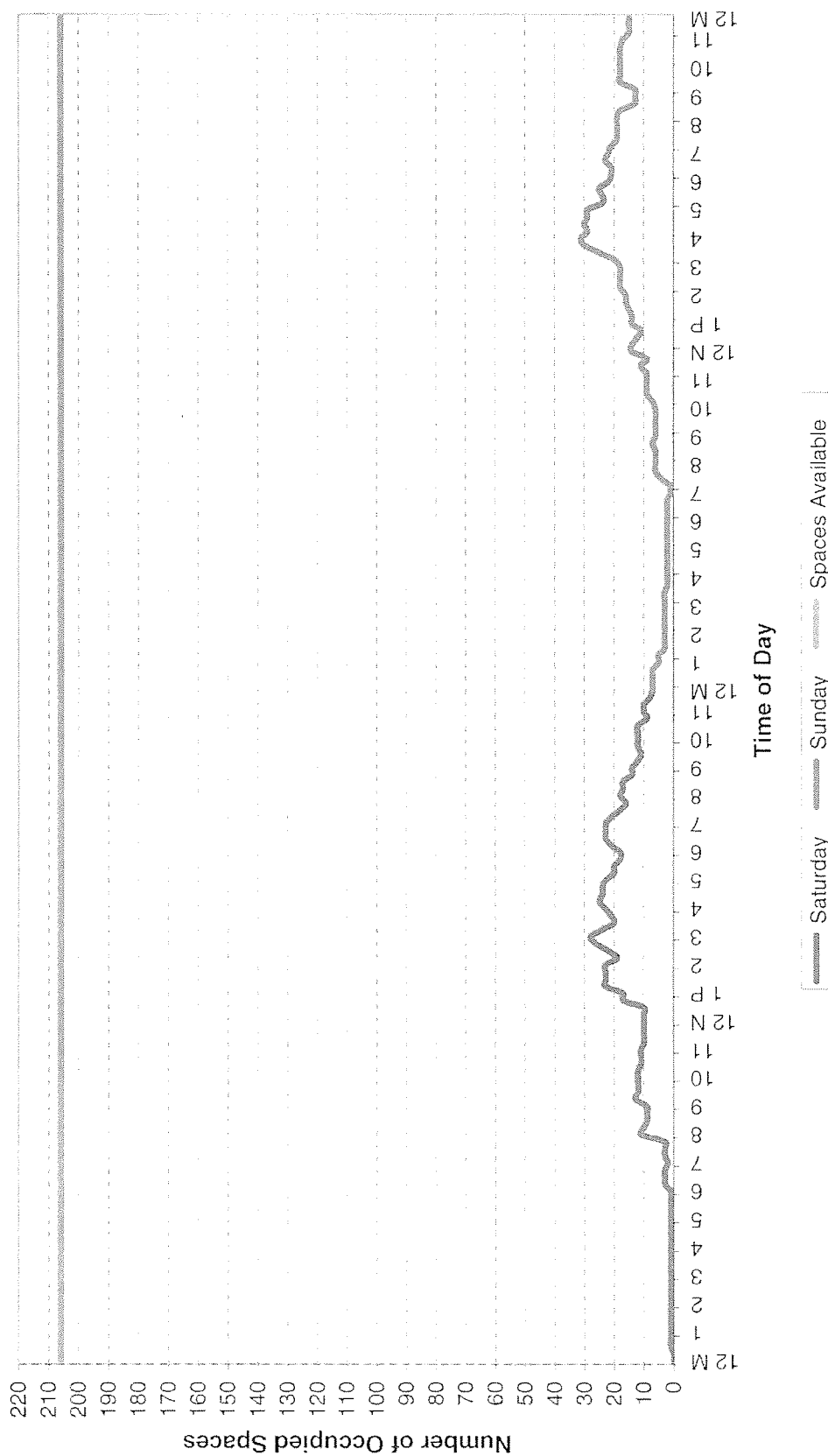
Morning					Afternoon				
Time Beginning	In	Out	Calculated Accumulation	Observed Occupancy	Time Beginning	In	Out	Calculated Accumulation	Observed Occupancy
	"Seed Value"		0						
12:00 AM	0	0	0		12:00 PM	0	0	10	
12:15 AM	0	0	0		12:15 PM	0	0	10	
12:30 AM	1	0	1		12:30 PM	0	0	10	12
12:45 AM	0	0	1		12:45 PM	7	0	17	
1:00 AM	0	0	1		1:00 PM	0	0	17	
1:15 AM	0	0	1		1:15 PM	6	0	23	
1:30 AM	0	0	1		1:30 PM	0	0	23	18
1:45 AM	0	0	1		1:45 PM	0	0	23	
2:00 AM	0	0	1		2:00 PM	0	0	23	
2:15 AM	0	0	1		2:15 PM	0	4	19	
2:30 AM	0	0	1		2:30 PM	3	0	22	17
2:45 AM	0	0	1		2:45 PM	4	0	26	
3:00 AM	0	0	1		3:00 PM	2	0	28	
3:15 AM	0	0	1		3:15 PM	2	6	24	
3:30 AM	0	0	1		3:30 PM	0	4	20	19
3:45 AM	0	0	1		3:45 PM	3	2	21	
4:00 AM	0	0	1		4:00 PM	3	1	23	
4:15 AM	0	0	1		4:15 PM	2	0	25	
4:30 AM	0	0	1		4:30 PM	1	2	24	20
4:45 AM	0	0	1		4:45 PM	0	0	24	
5:00 AM	0	0	1		5:00 PM	0	1	23	
5:15 AM	0	0	1		5:15 PM	0	3	20	
5:30 AM	0	0	1		5:30 PM	0	0	20	
5:45 AM	0	0	1		5:45 PM	0	2	18	
6:00 AM	0	0	1		6:00 PM	2	2	18	
6:15 AM	2	0	3		6:15 PM	3	0	21	
6:30 AM	0	0	3		6:30 PM	2	0	23	
6:45 AM	0	0	3		6:45 PM	0	0	23	
7:00 AM	0	1	2		7:00 PM	0	0	23	
7:15 AM	2	1	3		7:15 PM	0	2	21	
7:30 AM	0	0	3		7:30 PM	2	5	18	
7:45 AM	0	0	3		7:45 PM	0	2	16	
8:00 AM	8	0	11		8:00 PM	2	0	18	
8:15 AM	0	1	10		8:15 PM	0	1	17	
8:30 AM	1	2	9	9	8:30 PM	0	0	17	
8:45 AM	0	0	9		8:45 PM	0	3	14	
9:00 AM	0	0	9		9:00 PM	0	0	14	
9:15 AM	4	0	13		9:15 PM	0	2	12	
9:30 AM	0	1	12	12	9:30 PM	0	1	11	
9:45 AM	0	0	12		9:45 PM	2	1	12	
10:00 AM	0	0	12		10:00 PM	0	0	12	
10:15 AM	0	0	12		10:15 PM	0	0	12	
10:30 AM	0	1	11	12	10:30 PM	0	0	12	
10:45 AM	0	0	11		10:45 PM	0	3	9	
11:00 AM	0	0	11		11:00 PM	1	0	10	
11:15 AM	1	2	10		11:15 PM	0	0	10	
11:30 AM	0	0	10	12	11:30 PM	0	2	8	
11:45 AM	0	0	10		11:45 PM	0	1	7	

Parcel FF Parking Lot Driveway Counts
and Calculated Parking Lot Occupancies

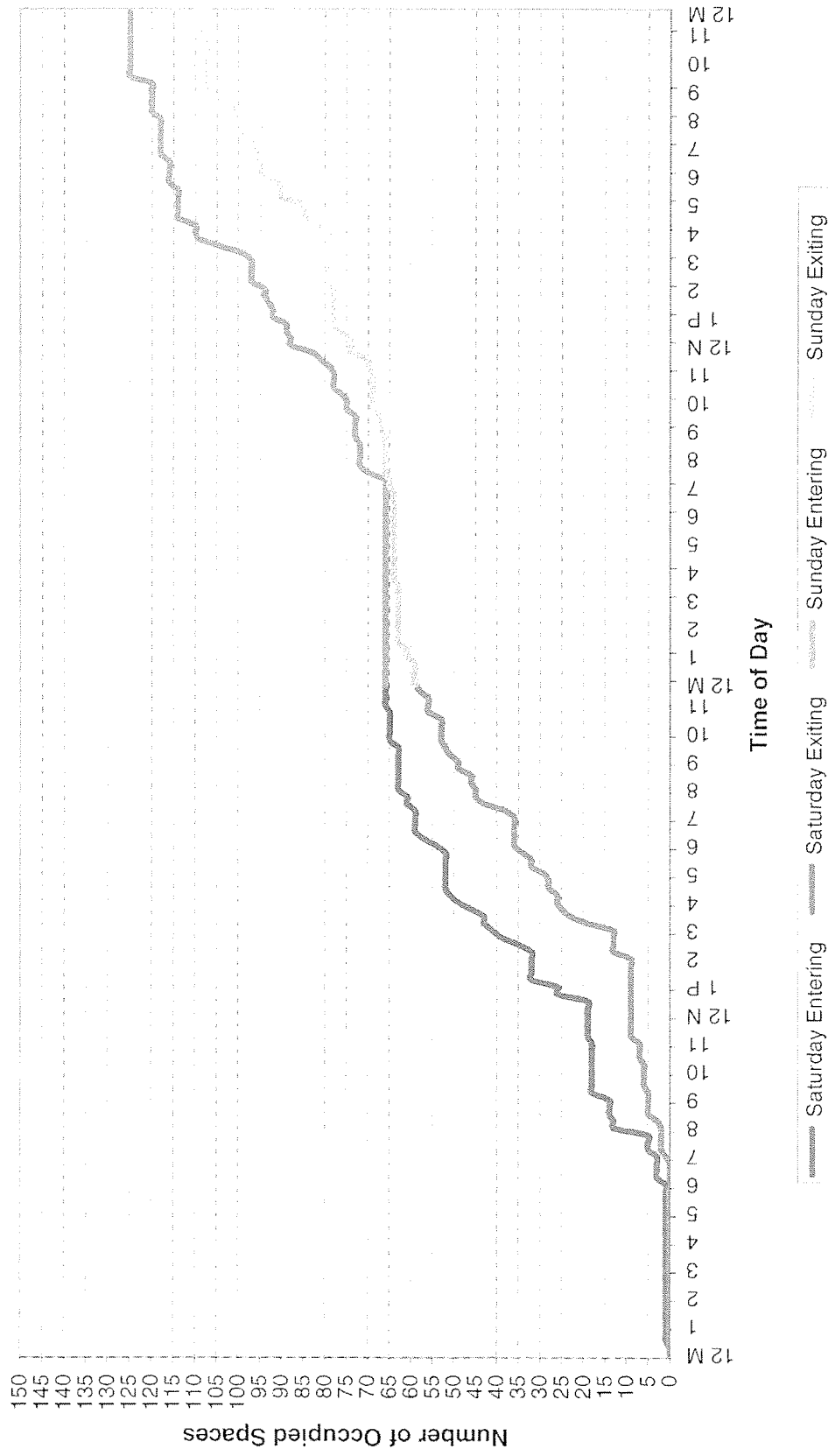
Sunday July 11, 2004

Morning					Afternoon				
Time Beginning	In	Out	Calculated Accumulation	Observed Occupancy	Time Beginning	In	Out	Calculated Accumulation	Observed Occupancy
12:00 AM	0	0	7		12:00 PM	0	0	14	
12:15 AM	0	0	7		12:15 PM	1	3	12	
12:30 AM	0	0	7		12:30 PM	0	1	11	
12:45 AM	0	2	5		12:45 PM	3	0	14	
1:00 AM	0	0	5		1:00 PM	0	0	14	
1:15 AM	0	2	3		1:15 PM	1	0	15	
1:30 AM	0	0	3		1:30 PM	1	0	16	
1:45 AM	0	0	3		1:45 PM	0	0	16	
2:00 AM	0	0	3		2:00 PM	3	1	18	
2:15 AM	0	0	3		2:15 PM	0	0	18	
2:30 AM	0	0	3		2:30 PM	0	0	18	
2:45 AM	0	0	3		2:45 PM	0	0	18	
3:00 AM	0	0	3		3:00 PM	2	0	20	
3:15 AM	0	0	3		3:15 PM	5	0	25	
3:30 AM	0	1	2		3:30 PM	5	0	30	
3:45 AM	0	0	2		3:45 PM	1	0	31	
4:00 AM	0	0	2		4:00 PM	0	2	29	
4:15 AM	0	0	2		4:15 PM	4	3	30	
4:30 AM	0	0	2		4:30 PM	0	1	29	
4:45 AM	0	0	2		4:45 PM	0	0	29	
5:00 AM	0	0	2		5:00 PM	0	5	24	
5:15 AM	0	0	2		5:15 PM	0	0	24	
5:30 AM	0	0	2		5:30 PM	2	1	25	
5:45 AM	0	0	2		5:45 PM	0	3	22	
6:00 AM	0	0	2		6:00 PM	0	1	21	
6:15 AM	0	0	2		6:15 PM	0	0	21	
6:30 AM	0	0	2		6:30 PM	2	0	23	
6:45 AM	0	1	1		6:45 PM	0	1	22	
7:00 AM	0	0	1		7:00 PM	0	1	21	
7:15 AM	4	1	4		7:15 PM	0	2	19	
7:30 AM	2	0	6		7:30 PM	0	0	19	
7:45 AM	0	0	6		7:45 PM	0	0	19	
8:00 AM	0	0	6		8:00 PM	2	2	19	
8:15 AM	0	0	6		8:15 PM	0	1	18	
8:30 AM	1	0	7		8:30 PM	0	5	13	
8:45 AM	0	1	6		8:45 PM	0	0	13	
9:00 AM	0	0	6		9:00 PM	0	0	13	
9:15 AM	0	0	6		9:15 PM	5	0	18	
9:30 AM	2	2	6		9:30 PM	0	0	18	
9:45 AM	0	0	6		9:45 PM	0	0	18	
10:00 AM	1	0	7		10:00 PM	0	0	18	
10:15 AM	2	0	9		10:15 PM	0	0	18	
10:30 AM	0	0	9		10:30 PM	0	0	18	
10:45 AM	0	0	9		10:45 PM	0	1	17	
11:00 AM	1	1	9		11:00 PM	0	2	15	
11:15 AM	2	0	11		11:15 PM	0	0	15	
11:30 AM	2	4	9		11:30 PM	0	0	15	
11:45 AM	5	0	14		11:45 PM	0	0	15	

Parcel FF Parking Accumulations Saturday and Sunday (July 10 and 11, 2004)



Parcel FF Parking Accumulations
Saturday and Sunday
(July 10 and 11, 2004)



THE TRAFFIC SOLUTION - ADT WORKSHEET

CLIENT: CRAIN & ASSOCIATES
 PROJECT: PARCEL FF - MARINA DEL REY
 LOCATION: ACCESS DRIVEWAY
 DATE: SATURDAY, JULY 17, 2004
 FILE NO: A-1

DIRECTION:		ENTRANCE			
TIME	00-15	15-30	30-45	45-60	HOUR TOTALS
00:00	0	0	0	0	0
01:00	0	0	0	0	0
02:00	0	0	0	0	0
03:00	0	0	0	0	0
04:00	0	0	0	0	0
05:00	0	0	0	0	0
06:00	0	2	0	0	2
07:00	0	0	1	0	1
08:00	0	2	0	0	2
09:00	0	0	0	0	0
10:00	0	2	0	3	5
11:00	3	2	5	2	12
12:00	0	1	0	2	3
13:00	2	1	0	0	3
14:00	3	0	2	1	6
15:00	0	3	1	2	6
16:00	3	1	4	2	10
17:00	1	2	0	1	4
18:00	3	0	1	0	4
19:00	1	0	0	0	1
20:00	1	2	0	0	3
21:00	2	0	0	0	2
22:00	1	0	1	1	3
23:00	1	3	0	0	4
				TOTAL	71
AM PEAK HOUR		10:45-11:45			
VOLUME		13			
PM PEAK HOUR		15:45-16:45			
VOLUME		10			

DIRECTION:		EXIT			
TIME	00-15	15-30	30-45	45-60	HOUR TOTALS
00:00	0	0	0	0	0
01:00	0	2	0	0	2
02:00	0	0	0	0	0
03:00	0	0	0	0	0
04:00	0	0	0	0	0
05:00	0	0	0	0	0
06:00	0	0	0	0	0
07:00	0	0	1	1	2
08:00	0	0	0	1	1
09:00	0	0	0	0	0
10:00	0	2	0	0	2
11:00	0	2	2	0	4
12:00	0	0	0	0	0
13:00	0	0	0	1	1
14:00	1	0	1	2	4
15:00	0	0	0	4	4
16:00	1	1	2	2	6
17:00	2	1	1	5	9
18:00	0	1	0	6	7
19:00	2	0	0	2	4
20:00	1	2	0	5	8
21:00	4	3	0	0	7
22:00	0	1	1	0	2
23:00	0	0	1	0	1
				TOTAL	64
AM PEAK HOUR		10:45-11:45			
VOLUME		4			
PM PEAK HOUR		20:30-21:30			
VOLUME		12			

TOTAL BI-DIRECTIONAL VOLUME	135
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THE TRAFFIC SOLUTION - ADT WORKSHEET

CLIENT: CRAIN & ASSOCIATES
 PROJECT: PARCEL FF - MARINA DEL REY
 LOCATION: ACCESS DRIVEWAY
 DATE: SUNDAY, JULY 18, 2004
 FILE NO: A-2

DIRECTION:		ENTRANCE			
TIME	00-15	15-30	30-45	45-60	HOUR TOTALS
00:00	0	1	2	0	3
01:00	0	0	0	0	0
02:00	0	0	0	0	0
03:00	2	0	0	0	2
04:00	0	0	0	0	0
05:00	0	0	0	0	0
06:00	0	0	0	0	0
07:00	1	0	1	0	2
08:00	2	0	0	0	2
09:00	0	0	0	0	0
10:00	1	0	2	1	4
11:00	2	0	0	0	2
12:00	5	3	0	2	10
13:00	0	0	4	2	6
14:00	2	2	1	0	5
15:00	1	3	1	2	7
16:00	1	2	0	0	3
17:00	2	0	3	0	5
18:00	0	0	1	0	1
19:00	0	0	0	0	0
20:00	0	2	0	0	2
21:00	0	0	0	0	0
22:00	0	2	0	0	2
23:00	0	0	0	0	0
				TOTAL	55
AM PEAK HOUR		10:15-11:15			
VOLUME		5			
PM PEAK HOUR		12:00-13:00			
VOLUME		10			

DIRECTION:		EXIT			
TIME	00-15	15-30	30-45	45-60	HOUR TOTALS
00:00	0	0	0	0	0
01:00	0	1	1	0	2
02:00	0	0	0	0	0
03:00	0	1	0	0	1
04:00	0	0	0	0	0
05:00	0	0	0	0	0
06:00	0	0	0	0	0
07:00	0	1	0	0	1
08:00	0	0	0	0	0
09:00	1	0	1	0	2
10:00	2	0	0	0	2
11:00	0	1	1	2	4
12:00	3	0	0	0	3
13:00	0	1	3	0	4
14:00	0	0	0	4	4
15:00	2	0	1	0	3
16:00	2	2	1	2	7
17:00	1	4	0	2	7
18:00	1	1	0	2	4
19:00	0	1	1	0	2
20:00	2	0	1	0	3
21:00	1	1	0	0	2
22:00	0	1	0	0	1
23:00	0	0	0	0	0
				TOTAL	52
AM PEAK HOUR		11:00-12:00			
VOLUME		4			
PM PEAK HOUR		16:30-17:30			
VOLUME		8			

TOTAL BI-DIRECTIONAL VOLUME	108
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Parcel FF Parking Lot Driveway Counts
and Calculated Parking Lot Occupancies

Saturday, July 17, 2004

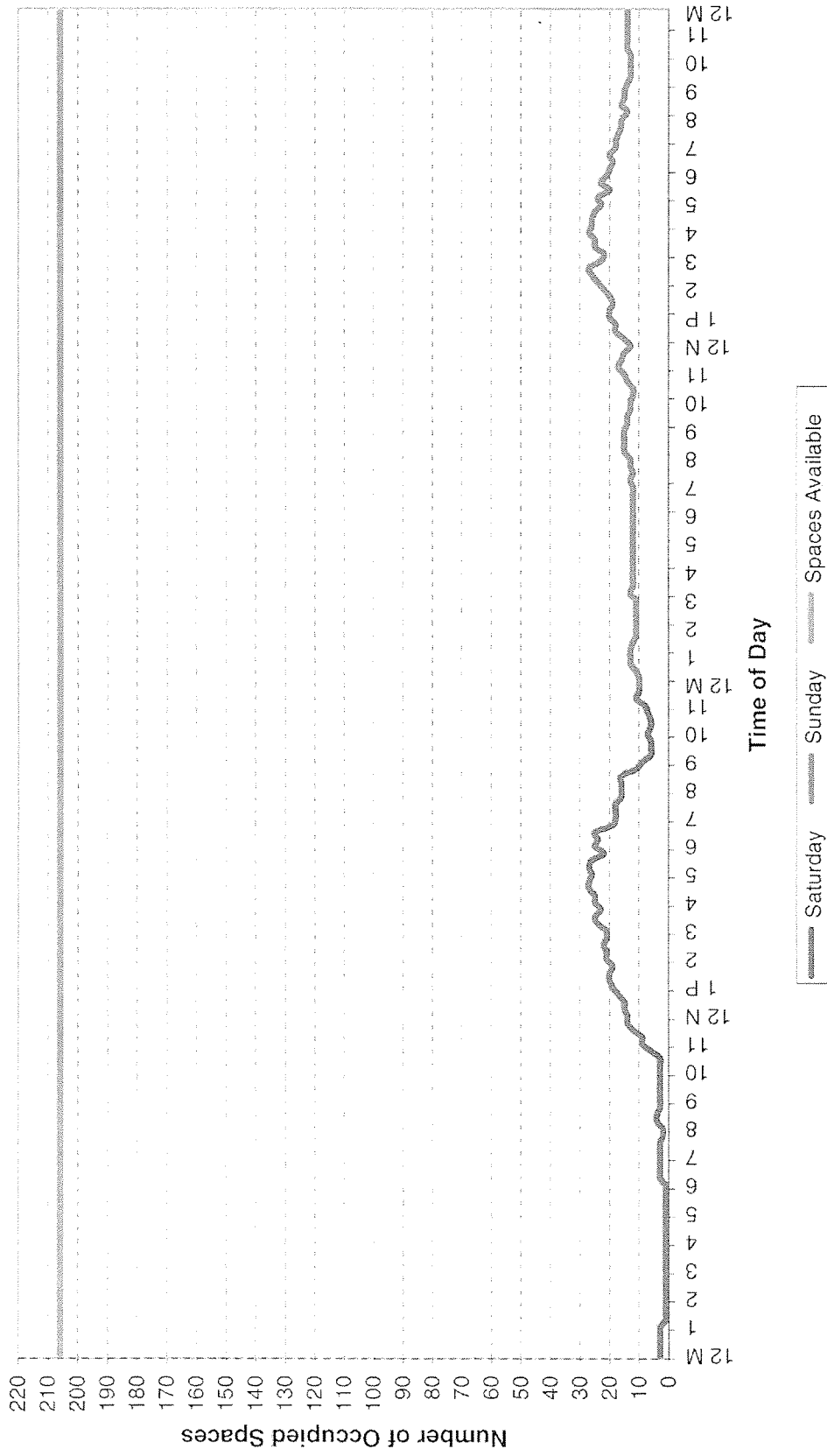
Morning					Afternoon				
Time Beginning	In	Out	Calculated Accumulation	Observed Occupancy	Time Beginning	In	Out	Calculated Accumulation	Observed Occupancy
	"Seed Value"		3						
12:00 AM	0	0	3		12:00 PM	0	0	14	
12:15 AM	0	0	3		12:15 PM	1	0	15	
12:30 AM	0	0	3		12:30 PM	0	0	15	14
12:45 AM	0	0	3		12:45 PM	2	0	17	
1:00 AM	0	0	3		1:00 PM	2	0	19	
1:15 AM	0	2	1		1:15 PM	1	0	20	
1:30 AM	0	0	1		1:30 PM	0	0	20	16
1:45 AM	0	0	1		1:45 PM	0	1	19	
2:00 AM	0	0	1		2:00 PM	3	1	21	
2:15 AM	0	0	1		2:15 PM	0	0	21	
2:30 AM	0	0	1		2:30 PM	2	1	22	19
2:45 AM	0	0	1		2:45 PM	1	2	21	
3:00 AM	0	0	1		3:00 PM	0	0	21	
3:15 AM	0	0	1		3:15 PM	3	0	24	
3:30 AM	0	0	1		3:30 PM	1	0	25	25
3:45 AM	0	0	1		3:45 PM	2	4	23	
4:00 AM	0	0	1		4:00 PM	3	1	25	
4:15 AM	0	0	1		4:15 PM	1	1	25	
4:30 AM	0	0	1		4:30 PM	4	2	27	27
4:45 AM	0	0	1		4:45 PM	2	2	27	
5:00 AM	0	0	1		5:00 PM	1	2	26	
5:15 AM	0	0	1		5:15 PM	2	1	27	
5:30 AM	0	0	1		5:30 PM	0	1	26	
5:45 AM	0	0	1		5:45 PM	1	5	22	
6:00 AM	0	0	1		6:00 PM	3	0	25	
6:15 AM	2	0	3		6:15 PM	0	1	24	
6:30 AM	0	0	3		6:30 PM	1	0	25	
6:45 AM	0	0	3		6:45 PM	0	6	19	
7:00 AM	0	0	3		7:00 PM	1	2	18	
7:15 AM	0	0	3		7:15 PM	0	0	18	
7:30 AM	1	1	3		7:30 PM	0	0	18	
7:45 AM	0	1	2		7:45 PM	0	2	16	
8:00 AM	0	0	2		8:00 PM	1	1	16	
8:15 AM	2	0	4		8:15 PM	2	2	16	
8:30 AM	0	0	4	5	8:30 PM	0	0	16	
8:45 AM	0	1	3		8:45 PM	0	5	11	
9:00 AM	0	0	3		9:00 PM	2	4	9	
9:15 AM	0	0	3		9:15 PM	0	3	6	
9:30 AM	0	0	3	5	9:30 PM	0	0	6	
9:45 AM	0	0	3		9:45 PM	0	0	6	
10:00 AM	0	0	3		10:00 PM	1	0	7	
10:15 AM	2	2	3		10:15 PM	0	1	6	
10:30 AM	0	0	3	7	10:30 PM	1	1	6	
10:45 AM	3	0	6		10:45 PM	1	0	7	
11:00 AM	3	0	9		11:00 PM	1	0	8	
11:15 AM	2	2	9		11:15 PM	3	0	11	
11:30 AM	5	2	12	11	11:30 PM	0	1	10	
11:45 AM	2	0	14		11:45 PM	0	0	10	

Parcel FF Parking Lot Driveway Counts
and Calculated Parking Lot Occupancies

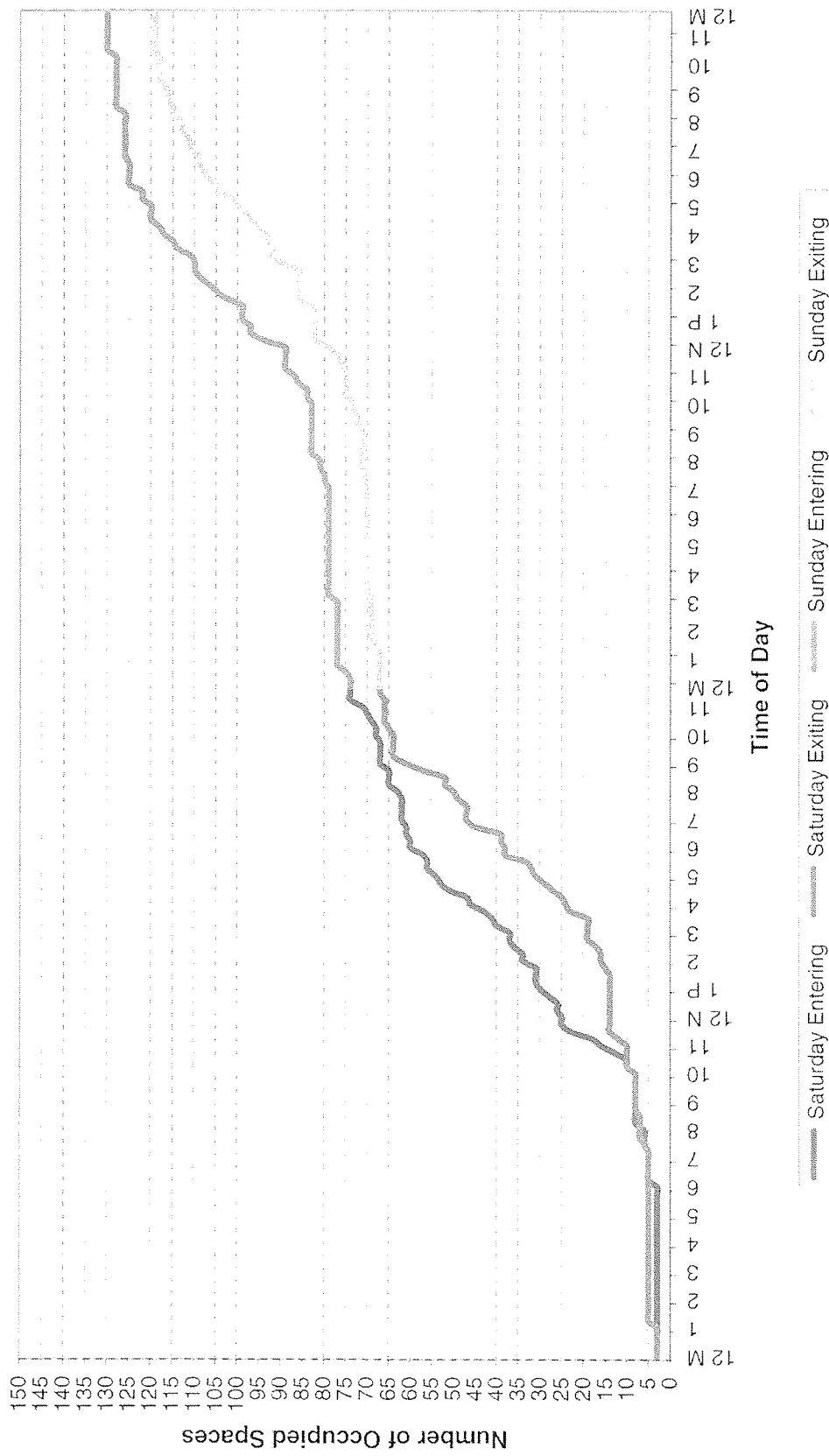
Sunday July 18, 2004

Morning					Afternoon				
Time	In	Out	Calculated	Observed	Time	In	Out	Calculated	Observed
Beginning			Accumulation	Occupancy	Beginning			Accumulation	Occupancy
12:00 AM	0	0	10		12:00 PM	5	3	15	
12:15 AM	1	0	11		12:15 PM	3	0	18	
12:30 AM	2	0	13		12:30 PM	0	0	18	13
12:45 AM	0	0	13		12:45 PM	2	0	20	
1:00 AM	0	0	13		1:00 PM	0	0	20	
1:15 AM	0	1	12		1:15 PM	0	1	19	
1:30 AM	0	1	11		1:30 PM	4	3	20	17
1:45 AM	0	0	11		1:45 PM	2	0	22	
2:00 AM	0	0	11		2:00 PM	2	0	24	
2:15 AM	0	0	11		2:15 PM	2	0	26	
2:30 AM	0	0	11		2:30 PM	1	0	27	22
2:45 AM	0	0	11		2:45 PM	0	4	23	
3:00 AM	2	0	13		3:00 PM	1	2	22	
3:15 AM	0	1	12		3:15 PM	3	0	25	
3:30 AM	0	0	12		3:30 PM	1	1	25	22
3:45 AM	0	0	12		3:45 PM	2	0	27	
4:00 AM	0	0	12		4:00 PM	1	2	26	
4:15 AM	0	0	12		4:15 PM	2	2	26	
4:30 AM	0	0	12		4:30 PM	0	1	25	24
4:45 AM	0	0	12		4:45 PM	0	2	23	
5:00 AM	0	0	12		5:00 PM	2	1	24	
5:15 AM	0	0	12		5:15 PM	0	4	20	
5:30 AM	0	0	12		5:30 PM	3	0	23	
5:45 AM	0	0	12		5:45 PM	0	2	21	
6:00 AM	0	0	12		6:00 PM	0	1	20	
6:15 AM	0	0	12		6:15 PM	0	1	19	
6:30 AM	0	0	12		6:30 PM	1	0	20	
6:45 AM	0	0	12		6:45 PM	0	2	18	
7:00 AM	1	0	13		7:00 PM	0	0	18	
7:15 AM	0	1	12		7:15 PM	0	1	17	
7:30 AM	1	0	13		7:30 PM	0	1	16	
7:45 AM	0	0	13		7:45 PM	0	0	16	
8:00 AM	2	0	15		8:00 PM	0	2	14	
8:15 AM	0	0	15		8:15 PM	2	0	16	
8:30 AM	0	0	15	11	8:30 PM	0	1	15	
8:45 AM	0	0	15		8:45 PM	0	0	15	
9:00 AM	0	1	14		9:00 PM	0	1	14	
9:15 AM	0	0	14		9:15 PM	0	1	13	
9:30 AM	0	1	13	11	9:30 PM	0	0	13	
9:45 AM	0	0	13		9:45 PM	0	0	13	
10:00 AM	1	2	12		10:00 PM	0	0	13	
10:15 AM	0	0	12		10:15 PM	2	1	14	
10:30 AM	2	0	14	10	10:30 PM	0	0	14	
10:45 AM	1	0	15		10:45 PM	0	0	14	
11:00 AM	2	0	17		11:00 PM	0	0	14	
11:15 AM	0	1	16		11:15 PM	0	0	14	
11:30 AM	0	1	15	11	11:30 PM	0	0	14	
11:45 AM	0	2	13		11:45 PM	0	0	14	

Parcel FF Parking Accumulations
Saturday and Sunday
(July 17 and 18, 2004)



Parcel FF Parking Accumulations Saturday and Sunday (July 17 and 18, 2004)



**Parcel FF Parking Lot 12 Driveway Counts
Observed Residential vs. Marina-Related Parking Activity**

Saturday July 10, 2004

<u>Arrival Time</u>	<u>Observed Vehicle Occupant Destination</u>
9:15 AM	Apartments, south side Marquesas Way
9:17 AM	Apartments, south side Marquesas Way
9:30 AM	Apartments, south side Marquesas Way
9:30 AM	Marina boat slips
1:00 PM	Bicycles from car west toward beach
1:24 PM	Apartments, south side Marquesas Way
1:26 PM	Apartments, south side Marquesas Way
2:43 PM	Apartments, west of Via Marina
2:49 PM	Marina boat slips
2:51 PM	Apartments, south side Marquesas Way
3:26 PM	Apartments, west of Via Marina
3:49 PM	Apartments, south side Marquesas Way
3:51 PM	Apartments, south side Marquesas Way
4:03 PM	Apartments, south side Marquesas Way
4:26 PM	Apartments, south side Marquesas Way
4:30 PM	Apartments, south side Marquesas Way

Totals:

Apartment/Resident Activity:	13	} 81% Apartment/Residential Use
Marina/Beach Activity:	3	

**Parcel FF Parking Lot 12 Driveway Counts
Observed Residential vs. Marina-Related Parking Activity**

Saturday July 17, 2004

Arrival Time	Observed Vehicle Occupant Destination
9:53 AM	Apartments, south side Marquesas Way
10:27 AM	Apartments, south side Marquesas Way
10:52 AM	Marina boat slips
10:58 AM	Apartments, south side Marquesas Way
11:02 AM	Marina (destination unknown)
11:15 AM	Marina (destination unknown)
11:17 AM	Apartments, south side Marquesas Way
11:32 AM	Apartments, south side Marquesas Way
11:34 AM	Marina (destination unknown)
11:40 AM	Marina (destination unknown)
11:55 AM	Apartments, south side Marquesas Way
12:20 PM	Apartments, south side Marquesas Way
1:02 PM	Marina (destination unknown)
1:09 PM	Marina boat slips
1:31 PM	Apartments, south side Marquesas Way
1:40 PM	Apartments, west of Via Marina
2:05 PM	Apartments, west of Via Marina
2:12 PM	Apartments, south side Marquesas Way
2:32 PM	Marina (destination unknown)
2:48 PM	Apartments, west of Via Marina
3:18 PM	Apartments, south side Marquesas Way
3:18 PM	Apartments, south side Marquesas Way
3:22 PM	Apartments, south side Marquesas Way
3:23 PM	Apartments, south side Marquesas Way
3:27 PM	Apartments, south side Marquesas Way
3:36 PM	Marina (destination unknown)
3:50 PM	Apartments, south side Marquesas Way
4:00 PM	Marina boat slips
4:05 PM	Apartments, south side Marquesas Way
4:06 PM	Apartments, south side Marquesas Way
4:24 PM	Marina (destination unknown)

Totals:

Apartment/Resident Activity:	20	} 65% Apartment/Residential Use
Marina/Beach Activity:	11	

**Parcel FF Parking Lot 12 Driveway Counts
Observed Residential vs. Marina-Related Parking Activity**

Sunday July 18, 2004

<u>Arrival Time</u>	<u>Observed Vehicle Occupant Destination</u>
10:41 AM	Marina/Beach
11:57 AM	Marina boat slips
12:08 PM	Marina boat slips
12:11 PM	Marina boat slips
12:15 PM	Marina (destination unknown)
12:16 PM	Marina (destination unknown)
12:23 PM	Marina (destination unknown)
12:32 PM	Marina (destination unknown)
12:49 PM	Marina (destination unknown)
12:58 PM	Marina (destination unknown)
1:14 PM	Marina boat slips
1:40 PM	Marina boat slips
1:41 PM	Apartments, south side Marquesas Way
1:41 PM	Apartments, south side Marquesas Way
1:58 PM	Marina (destination unknown)
2:14 PM	Apartments, south side Marquesas Way
2:22 PM	Marina (destination unknown)
2:44 PM	Marina (destination unknown)
3:07 PM	Apartments, south side Marquesas Way
3:24 PM	Apartments, south side Marquesas Way
3:31 PM	Marina (destination unknown)
3:38 PM	Apartments, south side Marquesas Way
3:47 PM	Marina boat slips
3:48 PM	Marina boat slips
3:49 PM	Marina (destination unknown)
4:00 PM	Marina boat slips
4:07 PM	Apartments, south side Marquesas Way
4:18 PM	Apartments, west of Via Marina

Totals:

Apartment/Resident Activity:	8	— 29% Apartment/Residential Use
Marina/Beach Activity:	20	

Grand Totals:

Apartment/Resident Activity:	41	— 55% Apartment/Residential Use
Marina/Beach Activity:	34	

FIGURE 3
COUNTY OWNED PUBLIC PARKING LOTS¹

Lot	Parcel	Address	Capacity	Remarks
1	W	13737 Fiji Way	483 ²	Fisherman's Village
2	49R	13477 Fiji Way	466 ³	Public Parking/Launch Ramp
4	49M	13500 Mindanao Way	124	Overflow -- Chace Park Marina Shopping Center
5	UR	4545 Admiralty Way	240	Overflow MdR Hotel, Other
6	SS	4500 Admiralty Way	115	Admiralty Park -- Turf
7	Q	4350 Admiralty Way	118	Admiralty Park -- Paved
8	OT	4220 Admiralty Way	186	Overflow -- Beach, Int'l. Hotel, Other
9	N	14101 Palawan Way	191	Beach, Overflow
10	IR	4101 Admiralty	216	Beach
11	GR	14101 Panay Way	264	Beach, Overflow
12	FF	14151 Marquesas Way	207	Overflow - Pierview Cafe
13	3	4601 Via Marina	140	Channel Vista, Overflow
14	A	4601 Via Marina	60 ⁴	Channel Vista
15	LLS	4001 Via Marina	10	
16	EE	13650 Mindanao	60 ⁵	Chace Park
17	83	13399 Fiji Way	13 ⁶	
	52	13051 Fiji Way	245	Temporary Parking
TOTAL			3,138	

Source: Los Angeles County Department of Beaches and Harbors, *County Owned Public Parking Lots*, April 3, 1990.

User Fees

¹ Parking fees range from \$1.00 to \$5.00 per 24 hour period except Lot 7 which is \$.50.

² Special AMPCO validation system.

³ Fee of \$4.00 charge for car and trailer. includes parking. Capacity is 233 with combination boat and trailer.

⁴ Metered, 25 cents each hour.

⁵ Metered, 25 cents per hour.

⁶ No charge. Permittee pays in lieu fee.

Attachment 6

Documents submitted by the public at the October 29, 2008 hearing.

From: firooz pak <firoozpak@yahoo.com>
To: info@wearemdr.com
Subject: opposition to development of MDR
Date: Mon, 27 Oct 2008 2:36 pm

RECEIVED
OCT 29 2008

To whom it may concern,

I have been a resident of Marina del Rey for the past 7 years, and I am dismayed to learn about the current development projects in the marina del rey area. As it is, there have been significant additions to the building/units in the area. Witness: redevelopment of Marina Harbor on Bora Bora way, with replacement of large grassy areas with a monstrosity of building. There is significant congestion and especially noise pollution by the motor traffic (including trucks and motorcycles).

Parcel 9U would best be served by converting into a green area for the use of community, not a 19-story hotel. These developments are in violation of various zoning and planning laws and will adversely impact the comfort and safety of the residents of marina del rey without any tangible benefits.

Please strongly reconsider these development plans.

Sincerely,
Firooz Pak

From: Libbe Murez <mslib@ca.rr.com>

To: info@wearemdr.com

Subject: woodfin

Date: Tue, 28 Oct 2008 11:43 am

Michael Tripp
Department of Regional Planning
Room 1362
320 West Temple St.
L.A. CA 89912

RECEIVED
OCT 29 2008
REGIONAL PLANNING COMMISSION

Libbe Murez
3852 via Dolce
Marina del Rey, Ca 90292

Dear Mr. Tripp:

I hope you will oppose the 19 story Woodfin Hotel/Timeshare and new Neptune Marina Apartments proposed for parcels 10,FF, and 90. The height of the Woodfin is not appropriate for our area, and timeshares and private development are not allowed by our planning laws.

High priced apartments are not needed in our marina. What is needed is a valid master plan, an overall EIR, and an LCP update before any projects are approved to allow for assessment of impacts on our community.

I moved into the Marina from Beverly Hills in 1970 because it was a unique area and I hate to see it ruined by developers.

I am looking forward to meeting you at the public hearing Oct. 29

Libbe Murez

Information from ESET NOD32 Antivirus, version of virus signature database 3563 (20081028)

The message was checked by ESET NOD32 Antivirus.

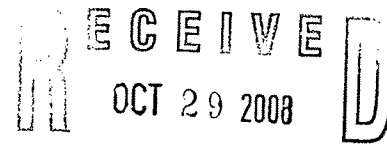
<http://www.eset.com>

We ARE Marina del Rey

P.O. Box 9096, Marina del Rey, CA 90295

October 28, 2008

Mr. Michael Tripp
Acting Director
Department of Regional Planning
320 West Temple Street, Room 1362
Los Angeles, CA 90012



REGIONAL PLANNING COMMISSION

Re: OPPOSITION COMMENTS: Project R2006-03647, Project R2006-03652, Project TR067861, Project R2006-03643 and Project R2006-03644 (together the "Woodfin/Neptune Project") and COMMENTS on combined Draft Environmental Impact Report - Neptune Marina Apartments And Anchorage/Woodfin Suite Hotel And Timeshare Resort Project ("DEIR")

Dear Mr. Tripp:

We ARE Marina del Rey ("WAM") strongly urges the Department of Regional Planning to reject the projects listed above, to deny all applicable Plan Amendments, Coastal Development permits, Conditional Use permits, Variances, Parking permits and Tentative Tract Map No. 067861 based on the following issues and comments on the projects and the DEIR.

A. Piecemealing CEQA/Overall Marina wide EIR

We ARE Marina del Rey ("WAM") believes that Los Angeles County ("County") is piecemealing the redevelopment of Marina del Rey in violation of state law, including the California Coastal Act ("Coastal Act") and the California Environmental Quality Act ("CEQA"). County has admitted on the record and it is widely known, that County intends to redevelop Marina del Rey (the "Marina Redevelopment Project"). This "Marina Redevelopment Project" constitutes "a project" under CEQA. According to Public Resources Code § 21065, a project is defined as the whole of an action, which has a potential for resulting in either a direct physical change in the environment.

The Marina Redevelopment Project consists of all the County's individual developments within Marina del Rey now making their way through the public approval process (Fisherman's Village, Mother's Beach, Western Marina residential complexes, etc). County is dividing "the Marina Redevelopment Project" into smaller redevelopment projects (e.g. the projects cited above) in order to reduce and hide the environmental impact of the "Marina Redevelopment Project." Therefore, County is piecemealing the "Marina Redevelopment Project," in violation of CEQA. California Supreme Court case law holds that the County cannot "hide" the redevelopment project from the public by breaking the Marina Redevelopment Project into little parts, and the County's behavior – actions and words - confirms there is "a Marina Redevelopment Project."

The California Coastal Commission stated during its Local Coastal Program (the "LCP") Periodic Review hearing on January 9, 2008, that County is piecemealing projects and that this is bad planning. They strongly recommended (said recommendation reaffirmed on October 16,

2008), that County should do a comprehensive LCP update amendment of anticipated future development that includes all pending project driven amendments, fulfillment of Asset Management strategies and other facilities identified through a community planning process. The intent behind this recommendation was:

“Well, I think it is apparent that if LCP amendments are pursued on an individual basis, project by project, that the cumulative impacts, and the coordinated efforts will be very difficult for the community, for the County, and for this Commission to understand.” - Commissioner Kinsey, LCP Review Hearing, January 9, 2008

An Environmental Impact Report should be prepared for the whole “Marina Redevelopment Project” should be County’s highest obligation to determine the overall environmental impacts of all projects in the Marina. County argues that the LCP is the functional equivalent of an EIR per CEQA § 21080.5 because it is a certified program, a position WAM does not share. However, instead of following the LCP for Marina del Rey, which County considers to be the functional equivalent of an EIR, County is implementing a slate of redevelopment projects contained in its *Marina del Rey Asset Management Strategy* (“AMS,” April 15, 1997, which is not part of the Certified LCP). The projects, including Project R2006-03652 (apartment units on Parcel FF, a public parking lot) and Project TR067861 (the 19-story hotel and timeshare suites – more on this inconsistency follows below) and the document itself are not in conformity or consistent with the Marina del Rey Certified LCP. Additionally, the AMS has not been reviewed or approved by the California Coastal Commission and has no regulatory or legal standing.

Public Resources Code § 21080.5 and CEQA Guideline also state that a “certified program” remains subject to other provisions in CEQA such as the policy of avoiding significant adverse effects on the environment where feasible. Therefore, even if the LCP were the functional equivalent of an EIR, County must still review the overall impacts of the “Marina Redevelopment Project.”

The DEIR states that it is a “project EIR, and therefore, can use environmental information from the Certified LCP. DEIR, page 8 of Section 2.0 Introduction, reads:

The scope of the analyses in this project EIR also relates to the environmental analyses contained within the Local Coastal Program (LCP). LCPs are Certified Regulatory Programs and as such are exempt from CEQA pursuant to CEQA Section 21080.5. Because the Coastal Commission’s consideration and certification of an LCP is the functional equivalent of an EIR, any environmental impact determinations and analysis of the CCC within the LCP are pertinent to and may be incorporated within the scope of the impact discussion in the project EIR where such analyses are sufficiently complete for that purpose. Therefore, where appropriate, reference will be made to the prior environmental analysis to the extent such analysis obviates the need for further discussion of an environmental issue within the meaning of Section 21166.

The land use changes accommodated in the 1996 certified Marina LCP, inclusive of the provision of view corridors of the harbor to accommodate taller structures, complied with CEQA as provided in Public Resources Code Section 21080.5 and Coastal Act Sections 30500 through 30522 because the LCP certification process involves the functional environmental analysis equivalent to that required by CEQA. (bold emphasis added)

However, because projects, including Project R2006-03652 and Project TR067861, are not in conformity with the LCP, the environmental impacts of said projects would not have been contemplated or analyzed in the 1996 certification of the Marina del Rey LCP. Therefore the LCP as a functional equivalent to an EIR provides an insufficiently incomplete analysis vis-à-vis the projects in this DEIR, and the reliance on the environmental provisions of the LCP in relation to these projects problematic. Additionally, as stated above, a “certified program” still remains subject to other provisions in CEQA such as the policy of avoiding significant adverse effects on the environment where feasible.

Another area where reliance on the environmental analysis of the LCP is seriously flawed involves ESHA. This DEIR does not reflect the changes on the ground to the environment since the LCP was certified in 1996. The DEIR states on page 44 of Section 5.5 Biota:

The Marina del Rey Local Coastal Plan does not designate any environmentally sensitive habitat areas (ESHA), and none is recognized within the project site. Accordingly, no significant, adverse impacts will result from the project.

However, on January 9, 2008 (reaffirmed October 16, 2008), the California Coastal Commission determined parts of Marina del Rey contain ESHA, and therefore, recommended that County, as part of the overall LCP update amendment, add ESHA findings and provisions to the Marina del Rey LCP, in conformance with the Coastal Act and that County carry out a survey to determine if there are additional ESHA sites in Marina del Rey. For example, in close proximity to the instant Project Site (parcels 9U, 10R and FF) is a great blue heron rookery at Mariners Village. This DEIR provides no analysis of the potential environmental impacts of the Woodfin/Neptune Project on these ESHA sites or potentially unidentified ESHA sites. Therefore, in relation to ESHA, this DEIR is substantially incomplete.

B. Inconsistencies with Certified Land Use Plan (“LUP”) and Plan Amendments

Although the DEIR states otherwise, there are a number of major inconsistencies and lack of conformity to the Certified LCP with regards to Project R2006-03652 (apartment units on Parcel FF, a public parking lot) and Project TR067861 (the 19-story hotel and timeshare suites).

A 19-story structure, while permitted on Parcel 9U, is significantly out of context to its surroundings. The usurpation of public parking lots for private development is also inconsistent with the LUP.

Page 5 of the DEIR Executive Summary states "Intensification of development within Marina del Rey is authorized in the certified Local Coastal Program (LCP)." However, it cannot be emphasized enough that the LUP states that just because development units are allocated and uses allowed does not entitle such use. Development Potential is defined in the LUP (page i-4 to i-5) as:

Specific types of land uses and the maximum intensity of development that may be permitted on a specific parcel or sub-parcel as established by text policy or shown by land use category on policy maps. The actual development that may be granted on any given parcel is subject to constraints, limitations and conditions, applicable at the time of application, that may be imposed during a public hearing process, culminating in the granting of a Coastal Development Permit. Development potential, by itself, does not establish any right or entitlement to a specific development project.

Public Parking Lots

The Land Use Plan (LUP) Section A2.e.12 states that NO public parking lots, including parcel FF, SHALL be converted to uses other than public parking or public park purposes. That is why Project R2006-03652 requires an LCP Amendment. However, in the analysis section A2.c, the LUP states that a park would be contemplated for Parcel FF. So the analysis and final adopted policies forbid development on parcel FF other than a public park or public parking lot.

Page 6 of the DEIR Executive Summary states that Parcel FF is developed as an underutilized surface parking lot with approximately 200 parking spaces. However, there is no mention that Parcel FF was partially closed (over 50% of the parcel) for years and occupied illegally by Doug Ring and his Esprit project (Parcel 12). The Coastal Commission, on January 9, 2008 in its Staff Report (W10-a) recommended (#19) that the County "analyze the total pattern of public serving and park uses in the Marina" before converting public parking to private use. This DEIR does not present such analysis and is therefore incomplete.

Timeshare not contemplated by LCP

County has determined that Project TR067861 does not require an LCP Amendment. However, this proposed finding is inconsistent with the Coastal Commission staff's determination and therefore is not supportable in law or fact. For example, in a letter dated April 27, 2007, in response to the NOP of the Woodfin/Neptune Project, Coastal Commission staff stated that an LCP Amendment would be required. Additionally, in LCP Amendment 1-01, on page 20 of the Coastal Commission staff report, *Table 3.0 Lease Negotiation Parcels* lists Parcel 9, 20-story vacation time share of requiring an LCP amendment. Finally, a Coastal Commission Memorandum dated December 26, 2006 on Condominium Development in the Coastal Zone, states:

"condo-hotel projects and other limited use/fractional ownership hotel proposals should not be considered unless the applicable LCP specifically allows such development. In the absence of specific LCP provisions allowing such projects, the local government should prepare and submit an LCP amendment for Commission review."

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The Certified LCP for Marina del Rey is silent on timeshares. Nowhere in the LCP are timeshares contemplated. The argument made in the DEIR that timeshare use was the equivalent of hotel units is baseless. If there was no difference, there would not be two completely separate land use designations. Based on this fact alone, Project TR067861 should be rejected as no LCP amendment has been proposed by County.

Transfer of Development Units Between Development Zones

The Marina del Rey LUP specifically states that development units may not be transferred between zones (Section C.8). The argument that precedence now exists because Parcel 20 was granted a transfer of development units for that specific parcel only as part of LCP Amendment 1-01 is also baseless. Instead of changing the LCP through amendment to allow transfer of development units, County has created the exception and is now making it the rule. This is another form of piecemeal development that obviates the planning law. When the LCP as written suits County, they quote the LCP. When it does not, they make exceptions to the rules without officially changing the rules.

Parcel 9U Wetland Status

The southern portion of Parcel 9U, where Project No. R2006-03643 is to be constructed was designated a wetland by the Army Corp of Engineers in 2001. LUP Policy B.4.e.1 states:

"The existing wetlands, including the flood control basin in parcel PP, the Marina waters, and the Ballona Creek flood control channel are the marine resources which shall be maintained, and where feasible, enhanced and restored. Uses permitted in or adjacent to these areas shall be carried out in a manner to protect the biological productivity of these marine resources and maintain healthy populations of marine organisms."

Although the southern portion of Parcel 9U was designated as wetland in 2001, the wetland was in existence at the time of the 1996 LCP Certification.

The Marina as a Small Craft Harbor

Further evidence that the Woodfin/Neptune Project is not consistent with the LCP and should be denied exists in the Marina del Rey LUP. Section A.2.d states:

"A strong demand exists for new lower-cost recreational opportunities in the LCP area such as restaurants, waterfront parks, pedestrian/bicycle paths, and for improved transit to such opportunities, whereas demand for more expensive visitor-serving facilities, such as hotel rooms, has proven to be limited."

The LUP further states C.8.e.1:

The primary purpose of the Land Use plan shall be to maintain Marina del Rey as a Small Craft Harbor for recreational purposes. A secondary purpose shall be to promote visitor-serving uses.

The LUP further states (C.8.e.8):

"Coastal Housing not a Priority."

C. Issues/Comments On DEIR

DEIR Executive Summary

The introduction includes a number of misleading statements and leaves out important issues as follows:

- The DEIR does not discuss the fact that the Coastal Commission states that a Plan Amendment is required for Project # TR067861.
- Page 7 includes the following statement: "A structure height of 75 feet is consistent with height provisions defined in the LUP, the recently approved 'The Shores' project on the adjacent Parcels 100 and 101, and the recently constructed apartments on the adjacent Parcel 12. This DEIR fails to state that "The Shore" project was no longer approved and that all permits were rescinded.

Traffic

One of the major mitigations cited to deal with traffic impacts in the DEIR is the improvement at the intersection of Via Marina and Admiralty Way that will enhance traffic flow between Admiralty Way and Via Marina south of Admiralty Way within the Marina, reducing the northbound right-turn traffic volumes on Via Marina at Washington Boulevard as specified in the TIP. However, it should be noted that this project has not been approved or funded at this point in time. And this DEIR relies heavily on this traffic mitigation factor. Therefore, we urge the Regional Planning Commission to remove this mitigation option from the analysis and to re-determine the impacts on traffic for the overall Woodfin/Neptune Project.

Construction Impacts

Firstly, the DEIR is missing a significant proposed project in Marina del Rey, the Venice Dual Force Main Sewer project that contemplates a 32-month project that will include a long strip of Via Marina from Marquesas Way to the Breakwater as part of the new underground sewer line. This project, which is anticipated to commence in August of 2010 will significantly short-term construction related impacts on the Marina del Rey community and will coincide with the planned construction dates of the Woodfin/Neptune Project.

Additionally, this DEIR does not detail the construction timelines and impact analysis of other nearby Marina del Rey proposed projects that will, if approved, most likely be constructed concurrently with the Woodfin/Neptune Project.

Therefore, this DEIR, in leaving out the Venice Dual Force Main Sewer project and construction timelines of other nearby proposed projects, fails to fully analyze the overall and project short-term construction impacts on the community and the environment.

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Alternative Projects

WAM finds the following reason for passing on Alternative #5 as baseless.

"Alternative 5 would not meet the project objectives as fully as the proposed project in that with the provision of fewer residential units less affordable housing would be incorporated into the proposed project. Additionally, with the construction of fewer hotel and timeshare units, fewer visitors would be served by the project."

The loss in affordable housing and fewer visitors being served by the project does not outweigh the lessened environmental impacts that would be gained by Alternative #5. This project would certainly lessen low-cost recreational visitor serving uses which is a priority. See comments above on the Marina as a Small Craft Harbor that details what priorities are in the Marina.

D. Conclusion

Based on the above facts, comments, concerns and issues related to the Woodfin/Neptune Project and all Marina del Rey development, WAM urges Regional Planning to deny this project the Plan Amendments, all applicable permits, and deem the DEIR insufficient in light of the overall piecemealing of the Marina Redevelopment Project. Additionally, we urge you to advise the Board of Supervisors to prepare an Environmental Impact Report for the Marina Redevelopment Project and adhere to the California Coastal Commission's recommendation to carry out a comprehensive LCP update amendment in order to assess the overall environmental and social impacts of the Marina Redevelopment Project through a meaningful community planning process.

Together,
We ARE Marina del Rey



David Barish
Nancy Vernon Marino
Directors
info@wearemdr.com
www.wearemdr.com

From: judy barnes <randyjudy@verizon.net>

To: info@wearemdr.com

Subject: Woodfin

Date: Mon, 27 Oct 2008 4:54 pm

Michael Tripp
Department of Regional Planning
Room 1362
320 W. Temple St.
L.A., CA 90012

Judith M. Barnes
306 Bora Bora Way, #301
Marina Del Rey, CA 90292

RECEIVED
OCT 29 2008

REGIONAL PLANNING COMMISSION

Dear Mr. Tripp;

I urge you to oppose the 19-story Woodfin Hotel/Timeshare and new Neptune Marina Apartments proposed for Parcels 10, FF, and 9U. The height of the Woodfin is not appropriate for our area, and timeshares and private development are not allowed by our planning laws.

Recently the Esprit Apartments were completed on Marquesas Way. Have you checked their vacancy rate? I suspect it's very high. Marina Del Rey doesn't need more high-priced apartments. What it needs is a master plan, an overall EIR, and an LCP update before any projects are approved to allow for assessment of impacts on our community. This area is too unique and precious to be developed piecemeal.

I hope to see you at the public hearing Oct. 29.

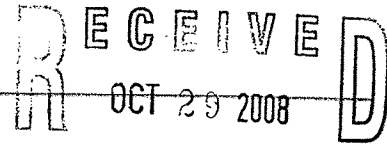
Judith M. Barnes

From: Zorianna Dombchewsky <zrdombchewsky@yahoo.com>

To: info@wearemdr.com

Subject: MDR Project- Via Marina/ Tahiti

Date: Mon, 27 Oct 2008 2:13 pm



TO: THE REGIONAL PLANNING COMMISSION

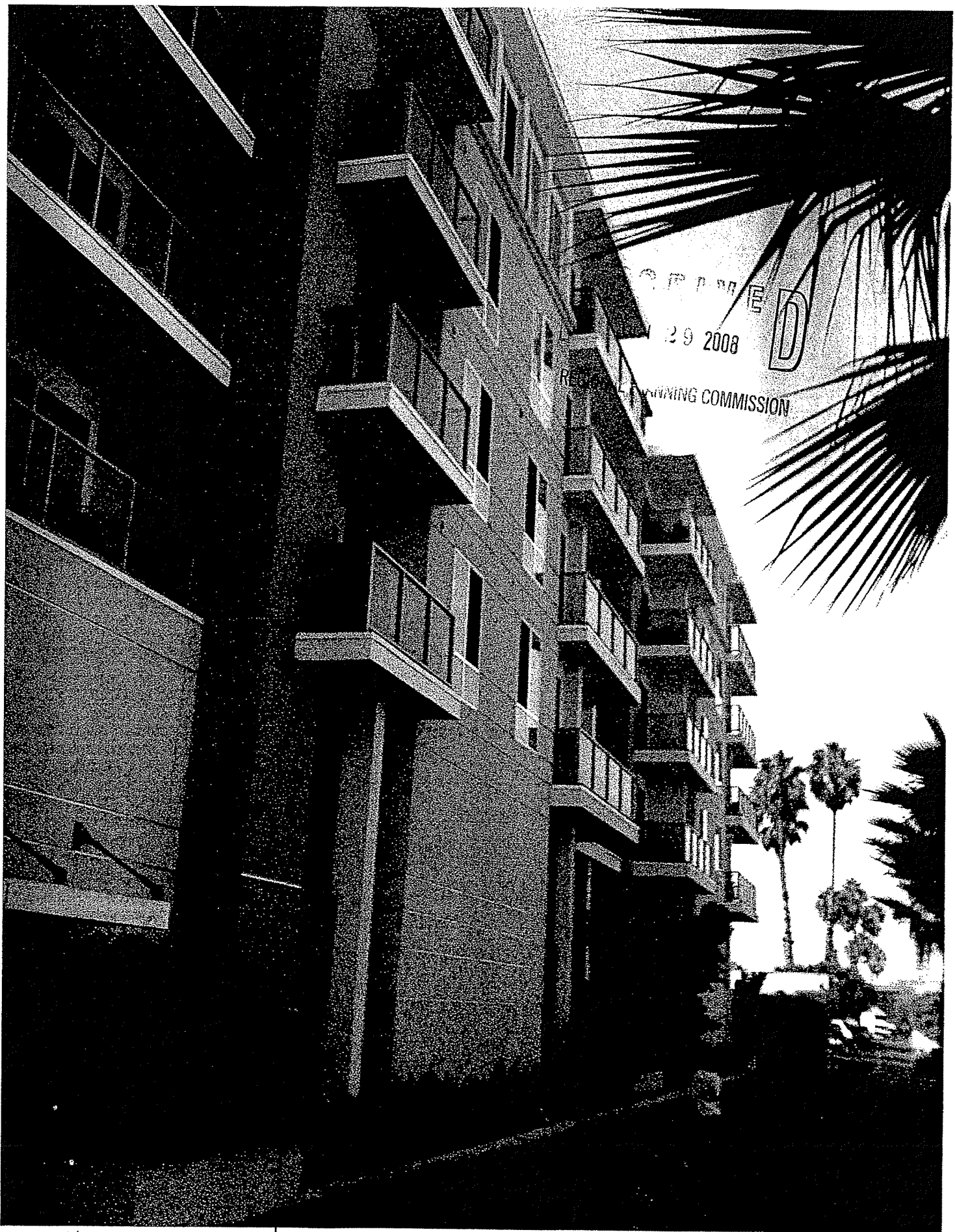
REGIONAL PLANNING COMMISSION

I am a concerned, long-time resident of Marina del Rey - in fact, I have lived here at Neptune Marina for about 25 years. I have witnessed many changes, and quite honestly, its been very disheartening and frustrating.

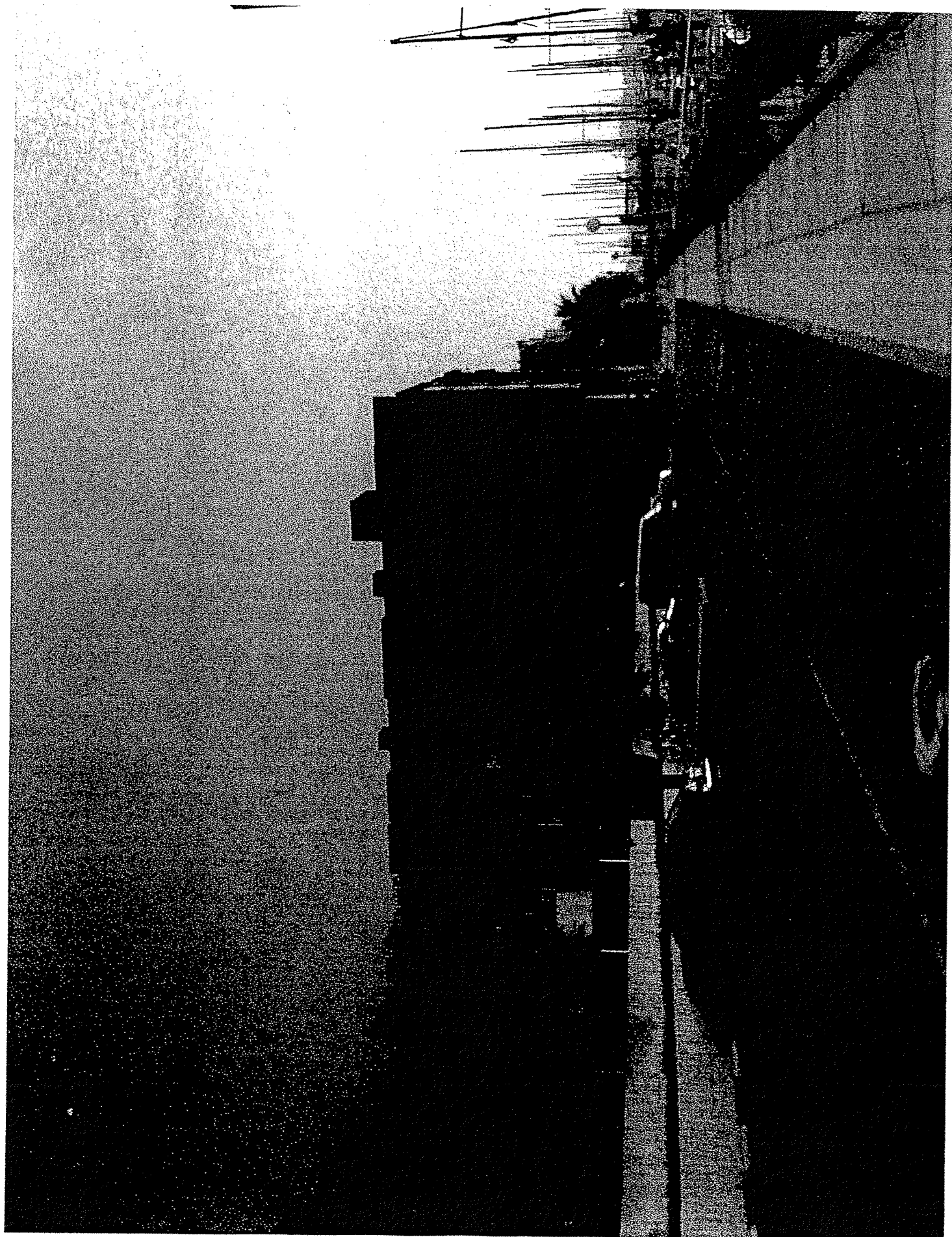
- > The enjoyment of community living has been on quite a down slide. The area has become so transient oriented and commercial that its a battle for residents to feel like its home.
 - > Do you know what its like to try to get out of the Marina with this traffic to go to work, come home, or just get to the freeway??? Or just get around? Its ridiculous! There is no infrastructure to support this kind of traffic.
 - > And once the area is "built up" with all the additional high rises (and the 2 that were built on Marquesas are still barely occupied- almost pitch black when I went out walking - why build more high rises?) and hotels, forget about just daily traffic concerns... because in the event of emergency, we're all dead & bottle necked on top of each other. What's the evacuation plan with this kind of occupancy??? The liquefaction issue/potential is another fact in itself. Its not just an "if" concern - its when and how to address it.
 - > The environment is polluted and it doesn't take a rocket scientist to see that. I was an environmental underwriting with AIG for over 8 years(1995-2003), and when I would go walking along the beach you used to be able to find even abalone shells. Not any more. I have not, nor will I dunk my toes in these waters! Then there are the Marina waters themselves and I know that visuals speak best for themselves - enough said.
 - >LA County seems to be quilting and band aiding what's the master plan?
 - >What about an overall EIR and an LCP Update before any projects are approved in order to asses impacts on the community.
 - >Is not time sharing and private development contrary to the planning laws?
- As you know, "greed & crash" is not a monopoly item to nor particular just to Wall Street.

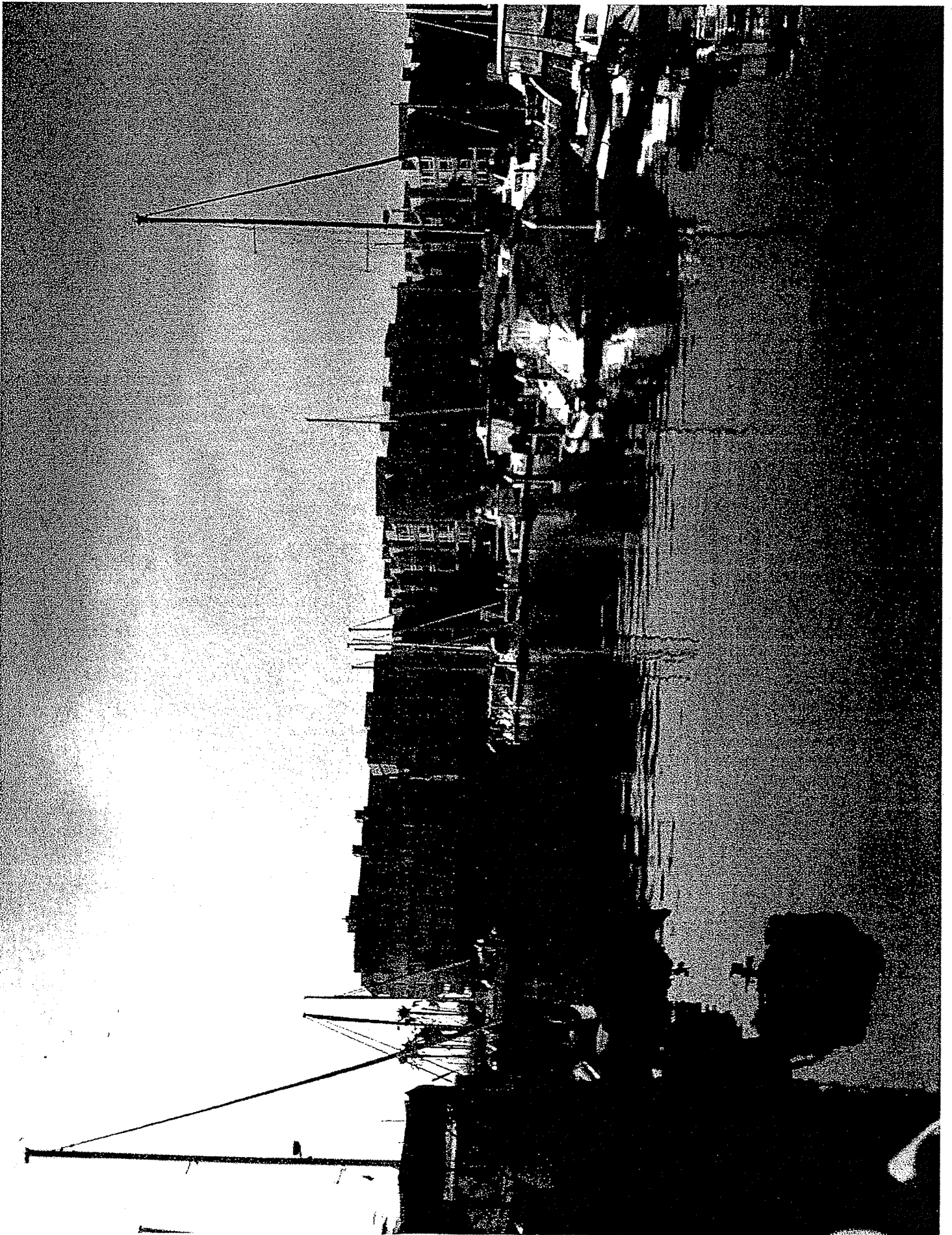
Thus my question to you is - what are you going to do about it?

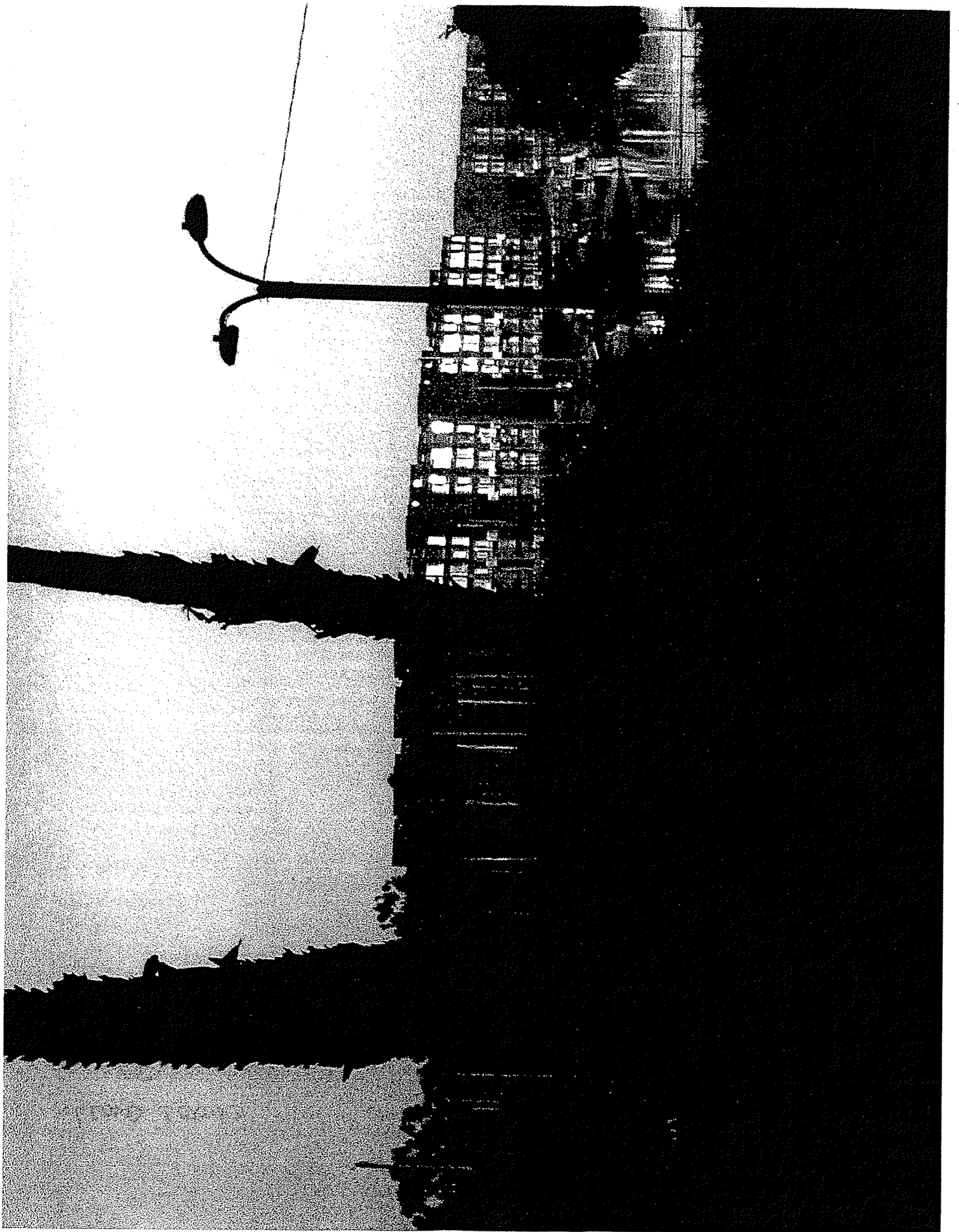
Sincerely,
Zorianna Dombchewsky

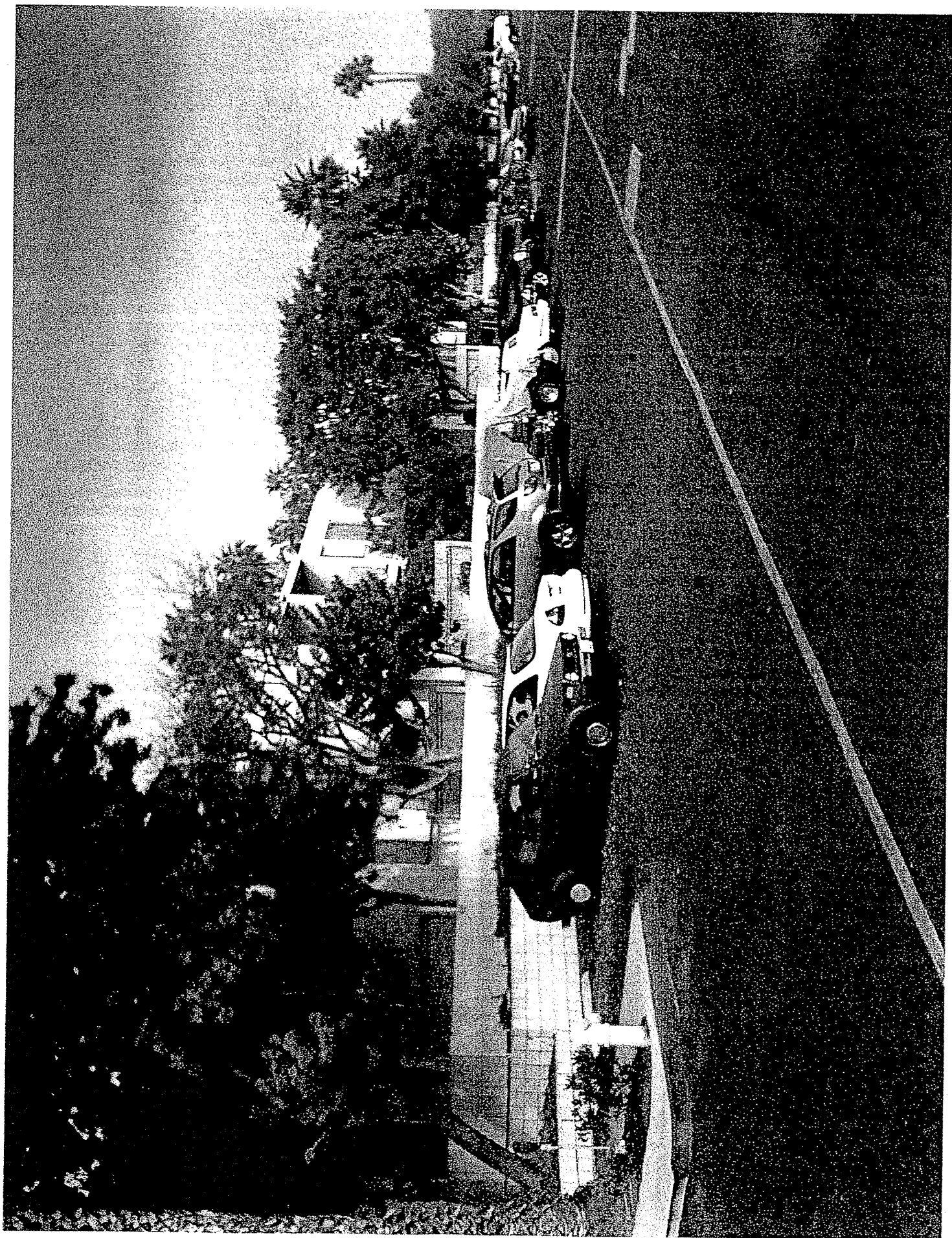


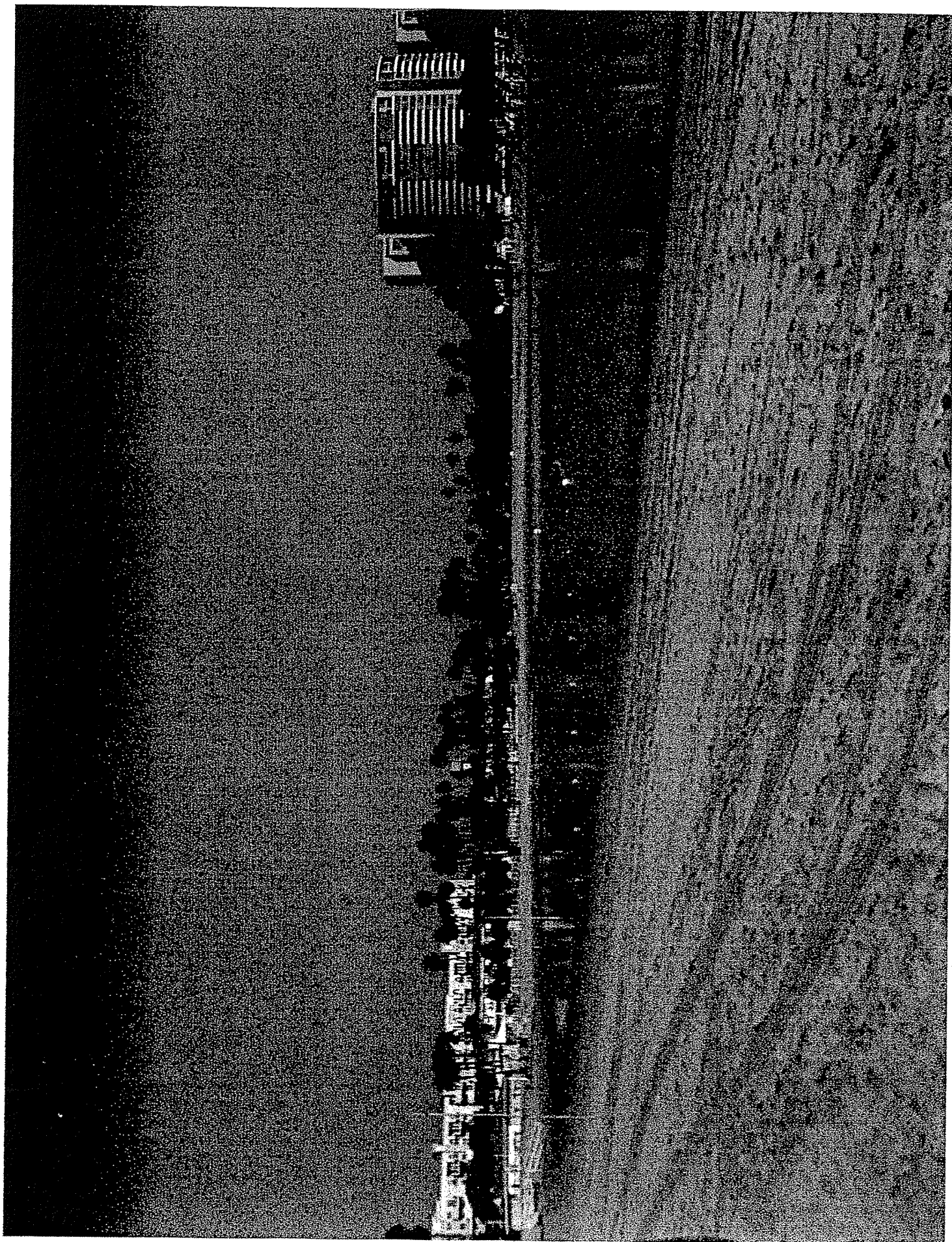
#7 (10/29/08 rpe)

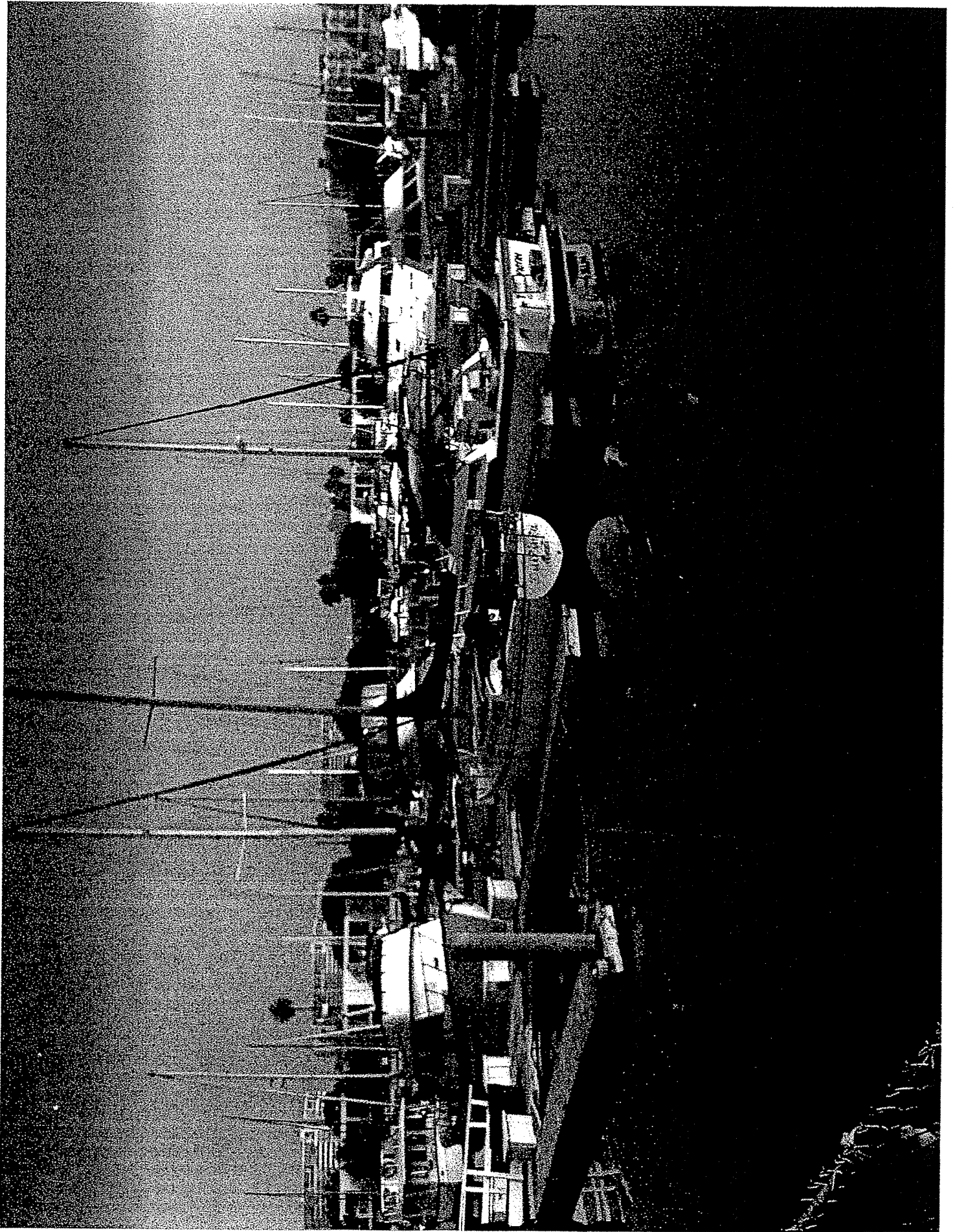


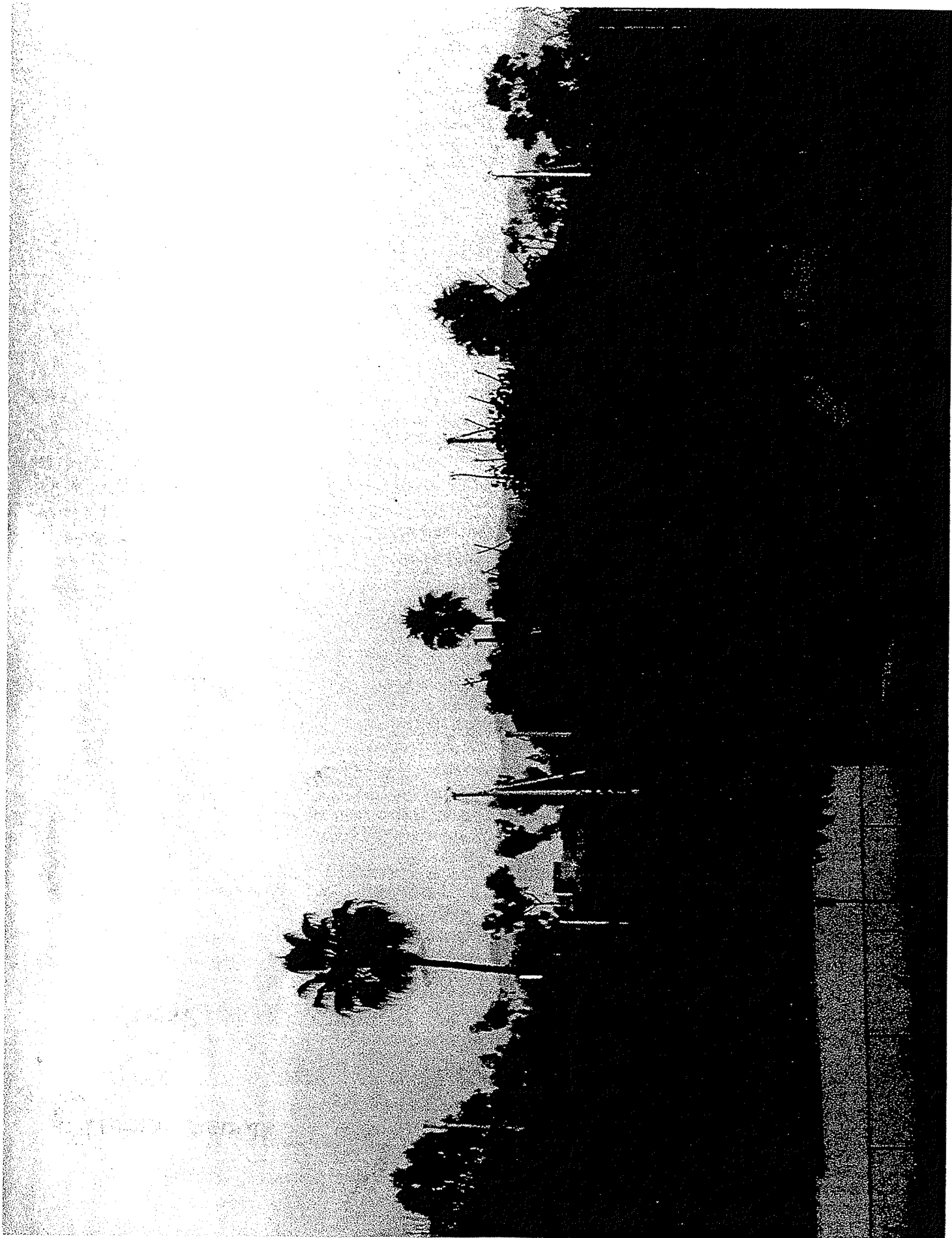












Development Alert - Via Marina/Tahiti

❖ Help us Help you to Stop the OVERDEVELOPMENT of our Marina del Rey!

Development Details:

This proposed development will add **288 hotel and timeshare suite units and 390 new apartments** on three parcels, 9U - currently a wetland; FF - a public parking lot and 10 - Neptune apartments currently with 136 units. The project consists of:

19-story Woodfin Suite Hotel Timeshare Resort
288 hotel and timeshare suite units and accessory uses PLUS a 6-story parking structure with 360 spaces PLUS a rooftop heliport

Neptune Marina Apartments & Anchorage

Existing 136-units to be demolished to make way for 400 new apartments (Lot 10) PLUS 126 apartment units built on public parking lot FF. PLUS an existing 198-slip marina will be demolished in favor of a new 174-slip anchorage.

What YOU can do:

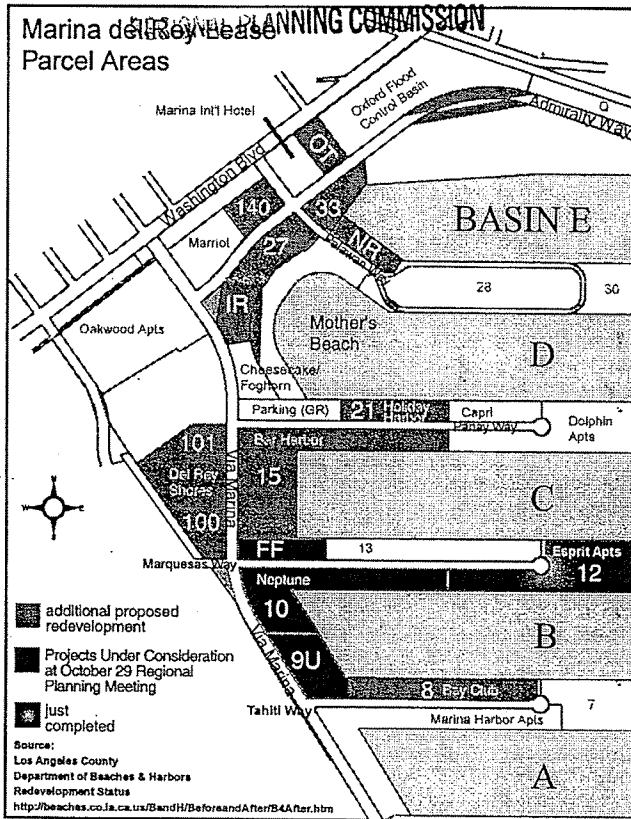
Donate to We ARE Marina del Rey - see below

/rite a Letter - mail a letter to Michael Tripp, Dept of Regional Planning, Room 1362, 320 West Temple Street, Los Angeles, CA 90012 OR email us your letter to info@wearemdr.com and we will submit it on your behalf. **Key Talking Points include:**

- > LA County is piecemealing in violation of CEQA
- > Timeshares and private development are NOT ALLOWED by our planning laws;
- > We want a master plan, an overall EIR and an LCP Update before any projects are approved, in order to assess impacts on our community

Attend the Hearing - speak your opposition or just show your support for the community. 9am, October 29, 2008, Room 150, Hall of Records, 320 West Temple St., Downtown LA. For more info, call Michael Tripp (213) 974-4813. Take the 437 Commuter Express bus right to the building. Hearing Agenda:

http://planning.lacounty.gov/doc/agenda/rpc/rpcagenda_20081029.pdf



ABOUT WE ARE MARINA DEL REY

We ARE Marina del Rey is a group of concerned citizens dedicated to preserving the unique recreational nature and lifestyle of our Marina.

We believe that L.A. County's piecemeal, project-by-project approach to development is bad planning, unnecessarily disruptive to the community, and results in poor management of public resources. We advocate a community-based master plan with Environmental Impact Report to address long term, cumulative development concerns. This, they so far refuse to do.

Our activities include public outreach and education, advocating for compliance with our LCP, and potential legal actions. **Sign up for our newsletter at:**

www.wearemdr.com

WE NEED YOUR HELP NOW! TIME IS RUNNING OUT! COUNTY IS STEPPING UP ITS PLANS!

Please make a **tax-deductible donation** today. Mail a check made payable to **IHCenter/We ARE Marina del Rey** to **PO BOX 9096, MDR, CA, 90295**. To make an online donation securely by credit card, please go to www.wearemdr.com/donate

For more information, please email us at info@wearemdr.com

We ARE Marina del Rey is in affiliation with International Humanities Center, a nonprofit public charity exempt from federal income tax under Section 501(c)(3) of the Internal Revenue Code.

Impacts of Development on MCC

❖ Help us Help you to Stop the OVERDEVELOPMENT of our Marina del Rey!

ELEMENTS OF COUNTY DEVELOPMENT WHICH WILL IMPACT THE MCC

Massive Increase in Apartments with Loss of Views and Marina Character

3,000+ dwellings and hotel rooms are planned, most of them on our side of the Marina. The picturesque activities of the picnickers, kayakers, outrigger crews and rowing skulls will, to a large extent, be pushed over to Burton Chase park where there is no sand, robbing our area of its colorful character. And our lovely view of Mother's Beach will be blocked by residential high rises.

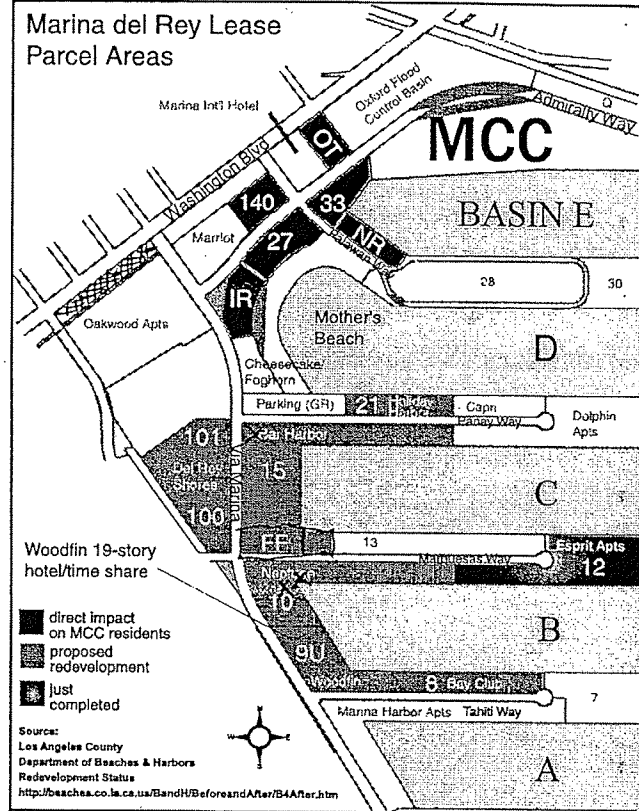
"Privatized" Mother's Beach & Public Parking Lots

Mother's Beach Public Parking lots and former Edies/Harbor House restaurants surrounding MCC to be built over with PRIVATE 5- 8 story residential and commercial complexes including:

- » **Lot 33** - Edies/Harbor House lot to become a 6-story apartment/shopping complex and parking structure with chain supermarket and drugstore
- » **Lot NR** - boaters' parking lot to the south to become a 5-story apartment block and private parking structure
- » **Lot OT** - across the street, next to the Oxford Basin to become market rate Retirement Hotel
- » **Lot IR** - Mother's Beach parking lot and picnic tables to be turned into TWO 5-story Marriot residence inn or equivalent buildings
- » **Lot 27** - construction about to begin on a 4-story wing of Jamaica Bay Inn on the site of Casa Escobar restaurant which is now closed

Admiralty Way becoming choked with traffic

We face the prospect of Admiralty Way becoming choked with traffic. The process is already beginning. The new apartment block at Palawan and Admiralty (Lot 140) will empty all its traffic onto Admiralty Way instead of Washington Blvd.



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Our activities include public outreach and education, lobbying for compliance with our LCP, and potential legal actions.

www.wearemdr.com

HOW CAN I HELP?

MAKE A TAX-DEDUCTIBLE DONATION

WE NEED YOUR HELP NOW! TIME IS RUNNING OUT! COUNTY IS STEPPING UP ITS PLANS!

Please make a generous **tax-deductible donation** today. To donate by check, please use our attached form and envelope.

To make an online donation securely by credit card, please go to www.wearemdr.com/donate.

For more info please contact Nancy Vernon Marino, MCC Resident at 310-490-1983

We ARE Marina del Rey is in affiliation with International Humanities Center, a nonprofit public charity exempt from federal income tax under Section 501(c)(3) of the Internal Revenue Code.

Hem #7

Main Identity

From: "Robert van de Hoek" <robertvandehoek@yahoo.com>
 To: "David De Lange PhD" <dr.delange@verizon.net>
 Cc: "Marcia Hanscom" <wetlandact@earthlink.net>
 Sent: Wednesday, October 29, 2008 6:42 AM
 Subject: Re: Regional Planning 9U tomorrow

Greetings Dr. David De Lange, PhD:

I am pleased to respond to your email as a wetland scientist, botanical scientist, ecologist, and conservation biologist.

The main report that wetland scientists and botanical scientists are required to rely upon for considering if a plant species is an obligate wetland plant or an upland plant is the National List of Plant Species That Occur in Wetlands, 1988, by U.S. Fish & Wildlife Service (Porter J. Reed, Jr., National Ecology Research Center. This report was reviewed for accuracy by 21 botanical scientists of university academic institution, including Wayne Ferren, Jr. and their input becomes the peer review, where they state that Seaside Heliotrope is an "obligate wetland plant." These 21 botanical scientists names and titles are listed on page 134-135 of the Reed (1988) report as the California regional reviewers. In addition, 24 government scientists from 5 federal agencies concurred with the 21 regional reviewers. These 21 federal scientists form the "Regional Interagency Review Panel." In essence, 45 scientists worked together to list Seaside Heliotrope as an "obligate wetland plant species." In addition, fyi, these same 45 scientists also listed Sandbar Willow as an obligate wetland plant species in the same report. I mention this species because this willow is also found on the 9U parcel and is also predominant in its "living cover" and Tony Bomkamp does consider this an obligate wetland species, so he obviously agrees here with the 45 wetland scientists and the USFWS report by Reed (1988). But he does not concur with the same body of expertise on Seaside Heliotrope. It's not appropriate to have it both ways as Tony Bomkamp attempts to do incorrectly.

My observations and comments at the DCB board are paraphrased incorrectly on the point that my observations are not solely based on review of the report by Tony Bomkamp, but are also based on more than a dozen site visits over the last 7 years the 9U parcel in Marina del Rey, California. I was in the field one day with Tony Bomkamp and Andi Culbertson and the soil scientists, but I have also visited the site as stated above over the last seven years, whereas, Tony Bomkamp has only been there for a couple of days of 1 summer of 1 year, which is limited. His errors and inaccuracies seem likely enhanced by not seeing the Seaside Heliotrope over a number of years in different season when Seaside Heliotrope is extremely predominant due to climatic rainfall differences and past weeding practices by the County at the 9U parcel where vegetation was plowed under with a tractor which erased vegetation dominance of the Seaside Heliotrope and disturbed the soil which gives favoritism to the weedy grass invasion. None of this history was included in the Glen Lukos memo or investigated by Tony Bomkamp or Andi Culbertson which is an attempt to mislead the reader(s) or is unprofessional scientific investigation, i.e. sloppy and unreliable report conclusions by Tony Bomkamp.

I not only reviewed the literature and reports referenced in the Glen Lukos Heliotrope Memo but I also site-inspected the 9U parcel in Marina del Rey and completed field analysis. I documented 33 locations of Seaside Heliotrope, which is more than double the number of locations identified by Tony Bomkamp. My analysis is comprehensive therefore, whereas Tony Bomkamp's investigation was only a partial investigation.

I found all 33 populations of Seaside Heliotrope to be in wetlands due to the presence of the species as

10/29/2008

well as its predominance of greater than 50% of living cover over the wetland soil. Unlike Tony Bomkamp, I do not consider dead grass stalks as legitimate to count as living cover. I do consider two other living species as countable, i.e. Telegraph Weed and Australian Saltbush. Both of these species are not predominant however, which leaves the evaluation at the 33 populations of Seaside Heliotrope as the predominant living species of vegetative cover.

Mr. Bomkamp should have only counted the living portion of the grasses which are the seeds lying dormant in the ground, which are small and adds less than 1% to an evaluation of predominant living vegetative cover.

Mr. Bomkamp's incorrectly uses the name of "alkali heliotrope" as the U.S National List of Plant Species That Occur in Wetlands (California) states clearly that the name is "Seaside Heliotrope." He deliberated attempts to confuse the readership as well as trying to lean readers away from considering the importance of this native wetland plant near the coast in the California Coastal Zone.

The Seaside Heliotrope populations in my estimation tabulate to 0.71 acre under a "linear vegetation band" that encircles the entire northern 1/3 of the 9U parcel. The roots extend down through the soil to a shallow water table of an saline (alkaline) nature which explains clearly why Seaside Heliotrope grows here. Wherever we find Seaside Heliotrope, whether on level ground or a slope, there is a perched water table, because Seaside Heliotrope roots depend on abundant water to be able to grow and be verdant green in foliage and stems and flowers during the long hot summer of southern California. Whereas, grasses are dead, turned yellow as dry stalks and thatch and are not legitimate to assess as "living" cover for a predominance of vegetation analysis.

In summary, Seaside Heliotrope is present and predominant as the "living" cover during summer at the time of the evaluation by Tony Bomkamp and during my several years of evaluation at the 9U parcel in Marina del Rey. There are 33 populations of Seaside Heliotrope throughout the 9U parcel. I found the predominance to range from 63% to 92%, with an average of 71% predominance of "living" vegetation cover. Under the law of the California Coastal Zone, this indicates that there are 33 wetland areas in the 9U parcel in the northern third of the property, which supplements the southern portion of the parcel where the Sandbar Willow population predominates as the "living" vegetative cover as well. Both species are obligate wetland species as defined in the LSEWS report by Porter-Reed (1988). The soils and hydrology would also show this soil to be wetland if measured in the wet rainy winter period because the soils are heavy adobe clay and silt with an abundance of salinity and alkalinity (high pH). The soils needed to be inspected at a greater depth, as I did, but which Tony Bomkamp did not do during his analysis which is likely why he did not determine the soils to be wetland soils. I would like to conclude with the importance of the nectar and pollen of the Seaside Heliotrope to native pollinator species, specifically, the three species of native bees and 14 species of native butterflies discovered over the course of the last 5-7 years that have visited the flowers of this consequently very important ecological native obligate wetland plant (11 of these 17 insect species play crucial roles in wetland function) at the 9u parcel in Marina del Rey. Interestingly, the Sandbar Willow wetland vegetation is wind-pollinated as there is no nectar in the flowers, so these same insect species do not occur there, but there are other species of insects that use willow forest, which in turn attracts foraging and migratory and nesting obligate bird species such as a unique wetland warbler known as the Yellowthroat and a sparrow of wetlands known as the Song Sparrow, both of which have been documented repeatedly over the last 7 years at the Sandbar Willow Forest at the 9U parcel.

Sincerely,

"Roy"

10/29/2008

Robert van de Hoek, RC
Wetland Scientist, Botanical Scientist, Ecologist, Conservation Biologist
Ballona Institute, Coastal Law Enforcement Action Network, Wetlands Action Network
Los Angeles, CA

--- On Tue, 10/28/08, David De Lange PhD <dr.delange@verizon.net> wrote:

From: David De Lange PhD <dr.delange@verizon.net>
Subject: Regional Planning 9U tomorrow
To: "Robert van de Hoek" <robertvandehoek@yahoo.com>
Cc: "Marcia Hanscom" <wetlandact@earthlink.net>
Date: Tuesday, October 28, 2008, 1:49 PM

Roy and Marcia, In the document below and attached Roy's views on 9U seaside heliotrope are critiqued in the Appendix to the 9U DEIR. This project will be heard tomorrow at REgional Planning. David De Lange

Glenn Lukos Associates Heliotrope Memo

MEMORANDUM

GLENN LUKOS ASSOCIATES

Regulatory Services

29 Orchard Lake Forest California 92630-8300

Telephone: (949) 837-0404 Facsimile: (949) 837-5834

PROJECT NUMBER: 06680001P9U

TO: Andi Culbertson

FROM: Tony Bomkamp

DATE: June 20, 2006

SUBJECT: Occurrences of Seaside Heliotrope (*Heliotropium curassavicum*) at Parcel

9U, Marina del Rey, California

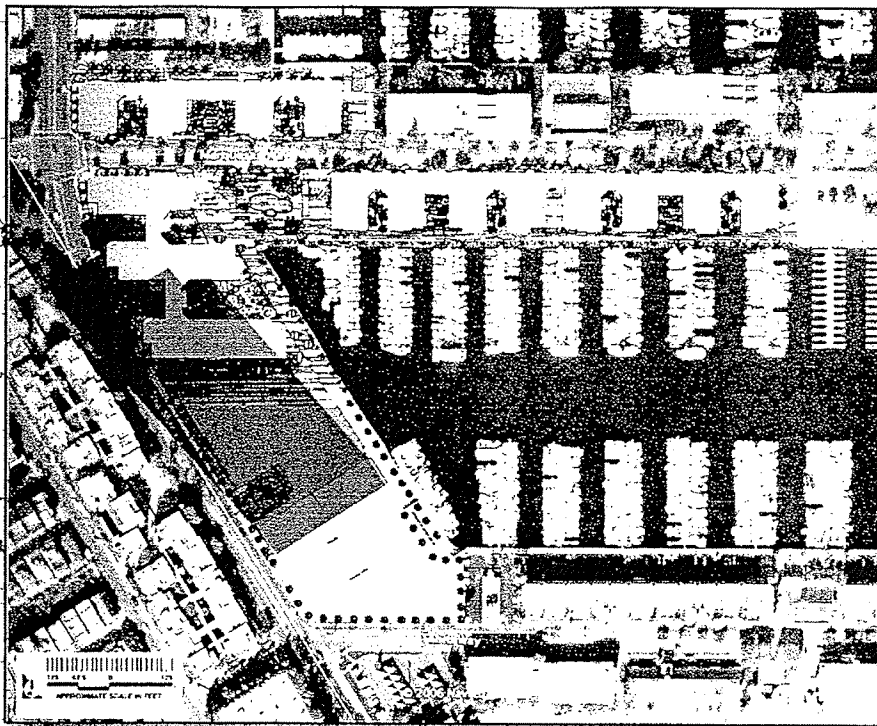
During testimony provided by Mr. Robert "Roy" Van de Hoek at the DCB meeting on May 18,

2006, Mr. Van de Hoek asserted that the presence of Seaside Heliotrope (heliotrope) on Parcel

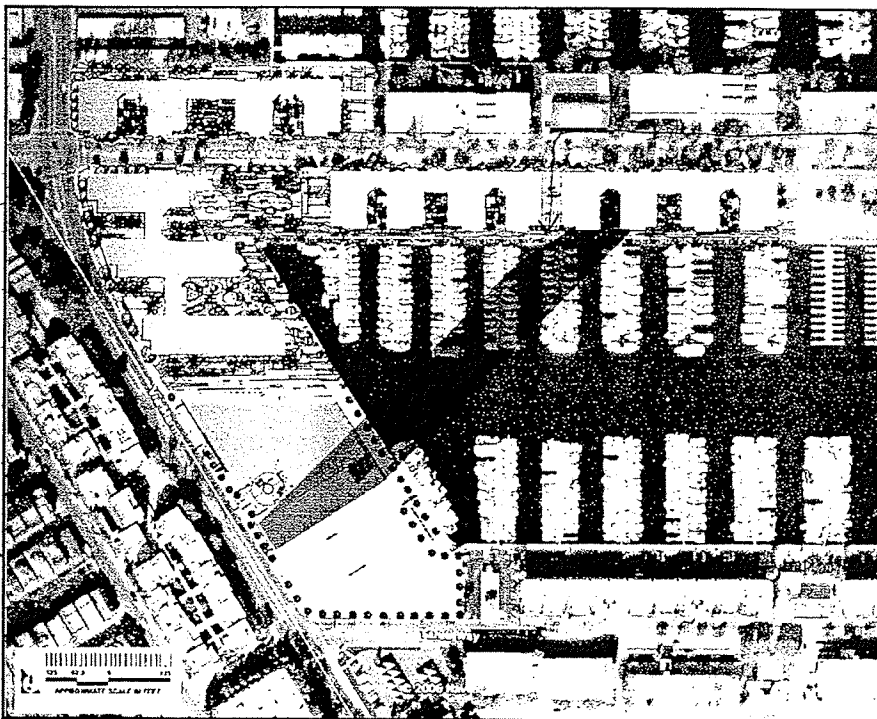
9U represented potential wetland locations. Mr. Van de Hoek's assertion was based on his

10/29/2008

Item #7



9:00 AM



3:00 PM

They did it Again Crooked line

- ① line not straight
- ② length 4.4 cm
- ③ $125 ft = 0.9 cm$
- ④ $1 cm = \frac{125}{0.9} ft$
- ⑤ $1 cm = 139.5 ft$
- ⑥ Hotel = 225 ft
- ⑦ Hotel = 250 ft
- ⑧ Azimuth $\angle = 130^\circ - 90^\circ = 40^\circ$
40° W N

Assume

⑨ Dec 21, 2000: Altitude 19.5°
Los Angeles, California Azimuth 138.5 E N

⑩ Shadow at 9:00 PM Measured
⑪ FROM VNC $\angle = 138.5 E N$
or $180 - 138.5 = 41.5^\circ W N$

$$\frac{h}{l} = \tan(19.5^\circ)$$

$$l = 0.354$$

$$l = \frac{250}{\tan(19.5^\circ)}$$

$$l = 706 ft$$

Theoretical

⑫ $4.4 cm \times 139.5 ft/cm$
= 611.6 ft
Impact source

SOURCE: Google Earth – 2006, Impact Sciences, Inc. – January 2007

FIGURE 5.6-19

Shade and Shadow Effects; Woodfin Suites Hotel/Timeshare Resort – Winter Solstice, 9:00 AM and 3:00 PM

The Arrogance of Power

OCT 29 2008

Yugoslavia: R

Los Angeles Board of Supervisors: The public be damned

There's local government that's completely reactive and government that leads as well as reacts, and then there's government by this-is-how-we've-always-done-it. Nowhere is the arrogant "sit-down-and-shut-up" method of governance on better display than at the Los Angeles County Hall of Administration.

Pension rules approved quietly—dangerously close to surreptitiously—by the Board of Supervisors have created a \$265-million liability for taxpayers. The public's cost, according to a study released this week, is expected to be \$18 million next year alone. Why? Because the county found a way to turn the meaning of an obscure state law on its head and decided that certain fringe benefits—such as car and medical insurance allowances—must be counted with salaries when retirement pay is calculated. The upshot is county pensions will increase; most retired board members will receive a hike of at least several thousand dollars each year, and one top official will draw an additional \$25,000. That's some mighty nice extra change. Too bad it came from your pocket.

Angered by the supervisors' using a state law as an excuse for the pension hikes, the state Senate Thursday voted to overturn the law. The measure goes to the governor, who should sign it. What excuse could the board find then?

There are plenty of galling examples of the supervisors' fiscal wrong-headedness. Marina del Rey, owned by the taxpayers and managed by the county, has become little more than a fabulous real estate investment for a select group of developers. Those

developers also happen to have donated more than \$500,000 to supervisors—and that's just since 1986. This week the board voted 4-1, with Supervisor Gloria Molina dissenting, to approve a precedent-setting lease that will give a developer control of a prime piece of county-owned waterfront property for 70 more years. Independent analysts say the county/developer

"partnership" is weighed heavily in favor of developers who lease marina land for apartments, restaurants, hotels, boat slips and shopping centers. That means the county will lose many millions in marina profits. It means many millions of dollars not there for public health, parks and other county needs.

This deal was approved despite the county's not even knowing the value of all the property

it's leasing. The county's economist argued that Marina del Rey is worth just \$400 million to \$600 million, only to admit later that his figure was merely an estimate. An independent authority and professional appraiser analyzed the marina at The Times' request and concluded that it was worth a lot more—\$1.4 billion.

In extending one lease Tuesday, the county got "as good a deal as you can get," one supervisor insisted. Guess we'll never know now, because the board refused to take any more time to consider a deal that will last until the year 2062.

Is the government that county residents are getting really "as good a deal" as they can get? Or is the more frightening prospect that supervisors can continue to do business as usual, secure in the knowledge that a lot of angry, alienated voters have just tuned out?



Board veterans: Clockwise, Edelman, Hahn, Antonovich, Dana.

Yugoslavia, the land of the southern Slavs, has no national definition other than as a federation of six republics: Slovenia, Croatia, Bosnia-Herzegovina, Serbia, Montenegro and Macedonia. But three of the six—Slovenia, Croatia and Bosnia—have now won international diplomatic recognition as independent states, and a fourth, Macedonia, is seeking recognition. Yugoslavia has thus experienced a piecemeal, de facto loss of diplomatic recognition.

As long ago as last November, this newspaper urged the Bush Administration to make that de facto loss de jure. At that time the Administration was standing by official Yugoslavia as, earlier, it had stood by the official Soviet Union. The American tilt was toward the preservation of order rather than toward any of the contending southern Slav ethnic groups. But its assumption—that a peaceful and comprehensive transition from Yugoslavia to a successor state or states could be managed—was even then indefensible.

Our allies in the European Communi-

A Little Comp

Extending rights to ne

It doesn't take the U.S. Census Bureau to tell us that something fundamental is changing in the American household. But the 1990 census was startling nonetheless. In Los Angeles County, for example, barely a quarter of households were found to be "Ozzie and Harriett"-type families. Even in Orange County, once the bastion of suburban family life, only 28.1% of households were "traditional"—that is, married couples with young children.

Laguna Beach, home to a large population of homosexuals, is even more distant from the nostalgic stereotype of the family; only 13.1% of households consisted of married couples with young children. It's no surprise, then, that Laguna Beach has become one of a handful of U.S. cities to adopt an ordinance extending to non-traditional couples some of the rights previously enjoyed only by marrieds.

Under the new ordinance, approved this week, *non-traditional* refers not

Los Angeles Times 8/11/94



Photos by V. RICHARD HARR / Los Angeles Times

As Compton continues to deal with fallout from the beating, Michael Colvin, left, and Enrique Garcia, above, were among speakers at a news conference about fostering cooperation among the city's black and Latino residents.

Grand Jury Asks D.A. to Review Leases at Marina

■ **Development:** It wants Garcetti to determine if laws were broken or procedures ignored in negotiation of long-term deals for prime real estate.

By FREDERICK M. MUIR
and JEFFREY L. RABIN
TIMES STAFF WRITERS

The Los Angeles County Grand Jury has called for the district attorney to investigate long-term leases that the county granted to private developers on choice waterfront property in Marina del Rey, The Times has learned.

The grand jury wants Dist. Atty. Gil Garcetti to determine if any laws were broken or procedures ignored when the county renegotiated leases on valuable county-owned marina property in 1989, according to two members of the panel.

"The county was a loser in each one of these leases," said one grand juror, who asked not to be identified. "Was it ignorance, stupidity or duplicity?"

A spokeswoman for the district attorney said Garcetti had not received the grand jury's request and would have no comment. Grand jury adviser Terry White, a deputy district attorney, said he has not had time to prepare the formal referral to the district attorney but plans to do so in the near future. He added that the district attorney is not obligated to act on a grand jury referral.

The grand jury, which finished its term June 30, stated in its final report that it had conducted a preliminary investigation into the marina. Two grand jurors said the panel decided the leases warranted further examination and voted to refer the case to the district attorney in part because members

leo Beating Sues for \$10 Million

squad car by his handcuff chains.

The youth's lawyer later said Soltero had become angry after a social worker from the Department of Children's Services showed up at his home to investigate a complaint of child neglect, and to round up Soltero's siblings. When the youth told the social worker to go away, she called the police, the lawyer said. When the teen-ager confronted Jackson as well, he said, the officer beat and arrested him.

But Wednesday, lawyer George Franscell, who is representing the police officer and Compton, said the videotape did not tell the whole story.

As proof, Franscell produced a tape of a 911 call from another neighbor of Soltero's family. In that tape, James Murillo reports that "there's an officer out there fighting with somebody . . . and the sister walked up to him and hit him too."

The lawyer said Murillo later explained to an investigator that "the police officer was overcome and could not control [the youth]."

Franscell also held up the uniform he said Jackson was wearing at the time of the encounter, which had a ripped breast pocket and a tear in the knee that he said

occurred in the scuffle. He said the dirt on the uniform showed that the officer had been on the ground during the incident.

"There was a fight and the officer was on the ground and the officer was losing the fight," Franscell said. "The officer had to use these types of force."

Additionally, the lawyer presented a man he identified as a videotape expert, who questioned the validity of the tape, which was initially aired by KNBC-TV. Norman Perle—who appeared on another videotape being interviewed by Compton police—said the beginning of the amateur video may have been erased, and that some audio alterations may have been made.

He also said, contrary to claims made by the youth, that the tape showed no blows to Soltero's head, and that it appeared Soltero tried at one point to fight back by aiming a "karate kick" at Jackson.

Perle, whose operation—National Audio/Video Forensic Laboratory—is run out of an office in his Northridge home, has testified in several high-profile cases. His credentials, however, have been repeatedly attacked in court.

For example, when Perle testified in the

Please see COMPTON, B3

MARINA

Continued from B1

it they lacked the expertise to value the complex agreements.

Most of Marina del Rey is owned by Los Angeles County, which has it on a long-term, generally 30-year, basis to a small group of developers who operate the harbor's apartments, hotels, boat slips, restaurants and shops. The vast majority of the marina properties are controlled by a handful of developers, who also have been significant campaign contributors to the county Board of Supervisors.

A yearlong Times study of the marina published in April, 1992, found that the partnership between the county and the leaseholders had primarily benefited the developers at the expense of the public.

Independent real estate experts consulted by The Times concluded that the marina leases were generating far less rental income for the county than they should given the value of the prime waterfront property. The experts also said the county made a big financial concession to the leaseholders when new rent levels were negotiated in 1989.

County officials, who challenged The Times' conclusions, have said he renegotiated rents were the best they could obtain after years of deadlock with the leaseholders. The county's income from apartments and boat slips was adjusted upward, although not as high as recommended earlier by appraisers or the county.

The grand jury stated in its report that it had conducted a

preliminary inquiry into a citizen complaint alleging "improprieties" in granting leases in Marina del Rey. The report said "one aspect" of that inquiry should be referred to the district attorney.

That aspect, according to the grand jury sources, is whether the leases are legal and the negotiations were properly conducted. The grand jurors asked not to be identified because they are prohibited from talking about their proceedings.

The grand jury also referred the marina issue to the newly installed 1994-1995 grand jury for consideration, according to interviews and documents obtained by The Times.

"We wanted to be sure that the lease process was fair and legal," said one grand juror. "Mostly that it was legal."

The county's negotiations on the marina leases were overseen by former Chief Administrative Officer Richard B. Dixon, who left county service in a cloud of controversy over changes in the pension plan last year, and County Counsel DeWitt Clinton. Los Angeles Mayor Richard Riordan, who at the time was a private attorney, was hired by the county to assist in the negotiations. The Board of Supervisors also played a critical role in shaping the county's marina leasing policy, especially Supervisor Deane Dana, who represents the marina area.

"You can always argue if it was a good deal or not," said Dixon, when told of the grand jury action. But he said he does not believe any laws were violated. Clinton could not be reached for comment.

Riordan said in a prepared state-

ment that he negotiated a good deal for county taxpayers that resulted in significantly increased rental income. "This action, like any other involving a public body, is rightly subject to thorough review and scrutiny," he added.

When told of the grand jury's referral to the district attorney, Dana said, "It's all right with me. I don't think they'll find anything very startling." Dana said the county's lease arrangements have been successful for the 30 years since the marina was created and he is satisfied the leases are legal and their terms are fair to the county.

Supervisor Gloria Molina, who has been critical of the leases, said she will personally encourage Garrett to vigorously pursue the grand jury's referral. "I've had concerns from day one. We have private people gaining tremendous benefit from a public resource."

The big leaseholders who collectively control about two-thirds of the marina include lobbyist/attorney Douglas Ring and his uncle, Ellis Ring; developer Jona Goldrich; developer Jerome Snyder, whose marina holdings are now in bankruptcy court; developer Jerry Epstein, who has served on numerous government commissions; and Saudi Arabian investor Abdul Aziz al Ibrahim, a brother-in-law of Saudi King Fahd.

Another longtime marina developer, Abraham Lurie, who sold 49.9% of his holdings to the Saudi investors in 1989, later lost his share of the marina leases in a bankruptcy court battle with his partners.

Lurie had no comment, but said he would be willing to meet with the grand jury to discuss his views

of the marina. Snyder said his Marina City Club holdings were not covered by the 1989 rent renegotiations.

Douglas Ring said he was not involved when the original leases were signed, but the grand jury is welcome to look into the rent renegotiation issue.

Goldrich said county negotiators "drove a real tough bargain... I don't see where the grand jury is going to find something wrong with it."

Epstein could not be reached for comment.

The grand jury opened its inquiry into the marina as a result of a complaint by John Rizzo, a longtime Marina del Rey activist. He presented the grand jury with a videotape in which he was sharply critical of the county's administration of the harbor.

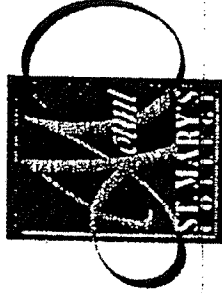
The tape was "very good" and the complaint was "very comprehensive," according to another grand juror. "He's got some good points."

The jury's Government Operations Committee began assembling a file on the controversial topic, but was unable to complete its investigation because of the press of other business, budgetary restraints and a concern the panel had a conflict of interest because one member is an officer in a marina yacht club, according to several members. Also, some members felt they had to hand it off to the district attorney because they did not have the necessary expertise.

"The whole thing was so complex," said one juror. White said the panel presented him with five volumes of notes

concerning the marina that he must review and condense into a formal referral to the district attorney.

The grand jury is a panel of 23 citizens appointed for a one-year term by the Superior Court to hear criminal cases and determine whether there is sufficient evidence to return an indictment. The grand jury is also charged with serving as a guardian against improper or inefficient performance by county government. It has wide statutory powers of inquiry and investigation.



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DOCTORS

Continued from B1

the patient must be dead because "the dosages were incompatible with life."

Plowman recalled, "This was a rather remarkable effort by the

clinical examinations in addition medicine before his office will retract the accusation filed in 1990. Marino said that charges against

January 6th 2000

LOS ANGELES TIMES

MARINA

Continued from A1
extensions will encourage redevelopment that will significantly increase revenue to the county. "You don't want to leave those assets existing in the conditions they are," he said. "If you said 'no' to a lease extension you'd never get economic development."

Ring, who once described the marina as "the greatest real estate investment in Southern California," is one of a number of politically well connected developers who hold a monopoly on marina leases, paying the county what some real estate experts regard as remarkably low rates for waterfront property in one of the Pacific Coast's most desirable sites.

The entire marina—the world's largest man-made small craft harbor—is owned by the public. It was leased to developers beginning in the 1960s. Most of the original leases were for 60 years.

With only 20 years remaining, Ring and county officials say the lease extensions are essential to obtain the long-term financing needed for redevelopment of the harbor.

The negotiations with Ring were conducted without competitive bidding since his Marina Two Holding Partnership holds the existing leases on the Bar Harbor and Deauville marinas. Ring's company runs the existing apartment buildings and boat slips on the two parcels, which total 18 acres of land and 17 of water. Had the county not extended Ring's agreement, leases on the parcels could have been put out for competitive bids when they expire.

Supervisor Don Knabe, whose district includes the marina, said it is too risky to wait and allow leases to expire. "Can you predict the future?" he asked. "If [leaseholders] can't get the financing to redevelop, what're they going to do? They're going to ride it out."

Until the mid-1990s, Ring held the leases on the two parcels in a partnership that included former state Sen. Alan Robbins, who served 20 months in prison after pleading guilty to federal corruption charges for extorting payments from lobbyists and former business partners. But Ring said in an interview that the former lawmaker was severed from the partnership as part of the settlement of a civil dispute.

\$3.2-Million Extension Fee

The new agreement calls for Ring and his current partners to pay the county a \$100,000 fee for an option to extend the lease on the two parcels until 2060. The fee was paid immediately after the supervisors acted. When the option is exercised, Ring is required to pay the county a \$3.2-million extension fee over 10 years. Ring will receive half of that amount back if the county's share of rent from the property rises significantly.

When the county has opened marina projects to competitive bidding, there has been an outpouring of interest from developers. As a consequence of such bidding, county officials are now negotiating with Legacy Partners to build a long-sought high-rise hotel on the last undeveloped property on the west side of the harbor. And on the east side of the marina, the county is negotiating with another winning competitor, Vestar-Athens group, on development of a major retail and entertainment complex.

The extensions increase the term of the leases to 99 years—the maximum time allowed by state law. Wisniewski said the extensions are at or above market rate. However, such "market rates" in Southern California are essentially determined by those charged at Marina del Rey, the state's largest facility. In fact, a report on the deal prepared by private appraisers, retained by the county, said "our research did not reveal any recent private ground leases in Southern California for projects with comparable characteristics."

All of the supervisors except Molina have received thousands of dollars in campaign contributions from Ring over the years, but the biggest beneficiary by far has been Knabe.

He has received more than \$38,500 from Ring, his family and associates since he began his first campaign for supervisor in 1995. Most recently, Knabe received contributions of \$1,000—the maximum allowable under county law—from Ring, Los Angeles City Councilwoman Cindy Miskowski, three of Ring's cousins and a developer who works for Ring—during a June fund-raiser at the lawyer's home.

In fact, Ring reported spending at least \$3,544 to assist Knabe in fund-raisers or other campaign events since 1996. But Knabe has never reported that assistance on his campaign finance reports, as required by state law.

The supervisor referred questions about the discrepancies to his campaign attorneys, who said Wednesday night that they were reviewing the conflicting reports to determine what may have been unintentionally omitted and would, if needed, file amendments.

Ring was recently appointed to the board of the city's Community Redevelopment Agency by Mayor Richard Riordan. A former lobby-

ist, Ring gave up that practice when his wife was elected to the City Council in 1996 representing parts of the Westside and San Fernando Valley. For many years, Ring has given to a wide range of politicians—including supervisors other than Knabe.

In the past five years, Ring has given \$10,500 to Supervisor Mike Antonovich, \$8,500 to Supervisor Yvonne Brathwaite Burke and \$7,000 to Supervisor Zev Yaroslavsky. He gave \$700 to Molina in the 1980s during her time on the Los Angeles City Council.

Knabe was out of town on vacation and was not at Tuesday's board meeting, so he did not vote on the extensions, although he has been present in closed-door meetings between the board and the county's negotiators.

In an interview, the supervisor downplayed his influence on the process, saying county consultants hired by the board have the primary responsibility for the deal.

"We obviously get independent analysis of the situation," he said. "It's not something we do on our own."

He added that Ring does not influence his decisions on the marina. "He doesn't call me and say this deal is coming."

In an interview, Ring said he did not solicit the contributions to Knabe made by his family members or associates and noted that he has been active in politics and a prolific campaign donor to numerous politicians for four decades.

"Should I be disenfranchised?" he asked. "I'm not prepared to abandon the political process."

Ring said the county will share in the benefits of an improved marina. "The county shares in the proceeds" from the development, he said, noting that they are expected to quadruple. "That's a whole bunch of money from my reckoning."

The county received a total of \$1,188,132 in rent on the two Ring parcels in 1998. When the redevelopment is finished, nearly tripling the number of apartments, the county's economic consultant estimates that the county will receive \$4.5 million annually.

Plans call for the 408 apartments on the two properties to be replaced by 1,201 new apartments, including 241 for low-income senior citizens. The existing 752 boat slips will be replaced by 439 slips for larger, more expensive vessels.

The deal is expected to set the pace for future lease extensions. It provides that the county is to receive 10.5% of the revenue generated by the apartments and 25% of the revenue from the boat slips.

Wisniewski insisted that the county will be receiving fair market rent for its valuable waterfront property, though 89.5% of the revenue from apartments and 75% of the revenue from boat slips will be going to Ring and his partners.

The county official based that assertion on an appraisal that compares Marina del Rey to other Southern California harbors from Santa Barbara to San Diego.

Determining Market Rates

The Times reported in 1992 that the county was receiving significantly less than it should for such prime waterfront property on Los Angeles' Westside.

A retired UCLA business professor and prominent real estate expert, Fred Case, estimated that the marina property could be worth as much as \$1.4 billion and said the county should be receiving a return of at least \$50 million, double the current level.

In the aftermath of The Times stories, Supervisor Molina sharply objected to the terms of marina leases. She helped push the county to adopt a strategic plan for the marina in 1997. She voted for the lease extensions Tuesday because she believes the county is adhering to that plan and now is negotiating a good deal for taxpayers, according to her spokesman, Miguel Santana.

"This is, as far as she's concerned," Santana said, citing regular briefings by county staff and tougher negotiations.

Without the lease extensions, Wisniewski said, the current leaseholders will be unable to secure financing for new projects and the

marina would languish.

Ring agreed. "The property that is within the marina today, all of which was built at the same time, is nearing the end of its life," he said. "Hopefully, we will be the first of a wave of redevelopment that, if you will, upgrades" the area.

Wisniewski stressed that the monetary payment is only one of the terms of the lease extensions. Among other measures, they also require the leaseholder to pay for the county's costs in negotiating the extensions, raise the rent on one parcel by more than 2% and secure the county's participation in any sale or refinancing of the lease.

Before any redevelopment is finalized it will have to be approved by the county's regional planning commission, then by the supervisors and possibly the state Coastal Commission.

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Court shoots down judicial perks

By Troy Anderson, Staff Writer

Article Last Updated: 10/15/2008 09:32:34 PM PDT

In a practice critics called a waste of taxpayer money, Los Angeles County has violated the state constitution for years by paying judges perks and supplemental benefits over their state salaries, a state appeals court has ruled.

The justices wrote that the state constitution requires the Legislature to set judges' pay - and the Board of Supervisors' practice of paying judges an extra \$46,436 annually in cash benefits is "not permissible." They sent the matter back to Superior Court.

The case was filed by Judicial Watch, a conservative watchdog group based in Washington, D.C. The ruling was made Friday by a three-judge panel of the state's 4th District Court of Appeal.

Paul Orfanedes, litigation director for Judicial Watch, said Wednesday that the ruling means the Board of Supervisors had spent taxpayer dollars in a way "directly contrary to the California Constitution."

"It's a question of integrity for the court," Orfanedes said.

"Judges are in a very unique position. It's one of the most important positions from the standpoint of the public's trust and confidence, and the fact they are taking this money the constitution says they shouldn't take, I think, has some impact on the important role they play."

The county supervisors did not return calls for comment, and a Superior Court spokeswoman said judges are precluded from commenting on ongoing litigation.

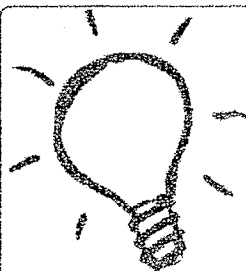
But Assistant County Counsel Les Tolnai denied allegations that the payments had resulted in judicial bias, saying the claims didn't "merit a response." However, he pointed out that the justices found that the payments were not "gifts of public funds" as Judicial Watch had alleged.

"The Court of Appeal pointed out what has happened has not been a waste of public funds," Tolnai said. "What occurred here is a very technical interpretation of the constitutional language ... and frankly it's a decision that surprised everyone associated with this process."

Tolnai said the Board of Supervisors has not decided whether to appeal the ruling to the state Supreme Court. If the board decides not to appeal or is unsuccessful on appeal, Orfanedes said he planned to ask the lower court to issue an injunction ordering the county to stop making the payments.

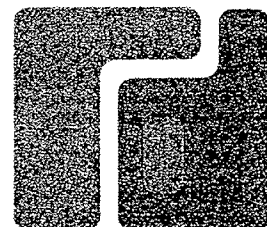
The county began making the payments to more than 400 judges in the late 1980s. In 1997, the Legislature passed a law stating the state would

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assume the responsibility of funding court operations. But since 1998, the county has continued to pay at least \$120 million to the judges.

In 2007, each judge was eligible to receive \$46,436 in supplemental compensation from the county on top of the benefit package provided by the state and an annual salary of \$178,789. The judges are allowed to either purchase additional health, life, disability and other benefits from the county or keep the cash as taxable income.

Some attorneys have alleged that the county's payments to judges make it nearly impossible to get a fair trial in cases involving the county.

"This court decision will stop these unconstitutional payments and restore our constitutional right to have free access to the courts and fair trials," said taxpayer advocate attorney and Encino resident Richard I. Fine.

Last year, the California State Bar Court urged that Fine be disbarred, accusing him of moral turpitude. The move came several years after Fine alleged the judges had not disclosed that the county paid them the extra cash benefits in cases in which the county was a party. Arguing that the appellate court decision had "vindicated him," Fine said he filed a motion asking the court to dismiss the case against him.

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


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Grand Avenue Drenched in Misdirection

Politicos don't understand their own contract

BY TIBBY ROTHMAN

THE LUXE GRAND AVENUE PROJECT, if ever built on a hunk of taxpayer-owned land downtown, will feature a glittery five-star hotel and the curious involvement of the wealthy royal family of Dubai, who control a tiny Gulf oil nation cited by the U.S. State Department for human rights abuses.

One thing the public project does not feature, however, is transparency.

In a series of moves unusual even for the cloaked deals that precede official rubber-stamping of controversial projects in Los Angeles, key politicians in City Hall and the County Hall of Administration will not — or maybe cannot — answer basic questions about a project that will receive up to \$158 million in taxpayer subsidies.

In recent days, City Councilwoman Jan Perry and County Supervisor Gloria Molina, two main drivers behind the Grand who sit on the obscure Grand Avenue Authority, which oversees the \$3.1 billion project, refused to answer a fundamental question posed by the *Weekly*. Had these two powerful women actually read the existing deal with the private developers before they both agreed to delay the groundbreaking yet again?

The developer, the nationwide Related Companies, says it needs more time because the construction loan market is virtually frozen. That sounded logical — at first. Loans are so hard to get right now that Related Companies is being required to produce significantly more project-cost information to the banks. In the past, the "construction documents" required by banks had to be 50 percent completed. But now, Related is being required to provide far more detailed information and submit documents that are 80 percent complete.

The spin from Molina, Perry and other politicians sounds simple — Related just needs several extra months to do the unexpected paperwork. But the truth is, the existing agreement clearly shows that in 2007 the developer promised it could provide all this documentation within a six-month time frame. Now it has been granted 10 months.

WHY? Bill Witte, president of Related Companies, told *L.A. Weekly* that the delay is being caused by something else — challenges they face over how to build the Frank Gehry-designed complex of shops, condos and a hotel adjacent to Disney Hall. It's the "most complicated design ... L.A. has ever seen," Witte says.

In addition, he says, they needed more time to deal with the unexpected soaring costs of materials. But an expert familiar with such large projects says that the costs

of materials "has been off the charts" since late 2005 or early 2006. It's not a recent phenomenon, as Witte claims.

Supervisor Molina and Councilwoman Perry, who have voted repeatedly for taxpayer funding for the project, initially ducked the *Weekly*'s queries on the obvious discrepancies in explanations offered about the lagging groundbreaking, now more than two years late. A Perry aide eventually e-mailed the *Weekly* to insist that Perry had read the existing contract with Related before giving the company an extra four months, but the aide could not explain why Perry thought the developer should have more time to complete long-expected work.

Perry and Molina insist that the project's smattering of affordable housing units and its "Civic Park" plan — actually just a heavily paved retooling of the County Mall — are extra goodies that justify the public help being poured in. But in fact, the affordable

housing and the retooled square are not extra public "benefits" arising from a private project. Both are being extensively paid for by the taxpayers.

"They can't be seen as walking away."

—Real estate expert

In a bizarre recent move, \$30 million from a housing fund created by California voters to help house the poor and battered women was diverted to help cover the price of the 16-acre "Civic Park" that's recently emerged as little more than a square with a few trees and is clearly designed for commercial uses.

In a government e-mail obtained by the *Weekly*, one city expert on housing subsidies also sharply questioned the taxpayer help pouring into the Grand's affordable housing component. The private e-mail from a staffer at the Community Redevelopment Agency, dated August 1, 2007, notes that Related Companies got a hefty \$10 million in taxpayer funds to subsidize 100 affordable units at the Grand. By comparison, a developer in an unrelated project got \$8 million to subsidize 259 affordable units.

But from the beginning, the numbers on the Grand never penciled out.

"Nothing would give me more pleasure than to say that this thing's a crock and it's going to die, but I don't think it's true," says one real estate expert familiar with the Grand. Because Related strikes so many public/private deals with other city halls across the country, it can't be seen as abandoning a flagship project. "They can't be perceived to be walking away," the expert notes.

"What does strike me," he warns, "is that the pattern of this project has been to ask for progressively more public support and assistance."

this is supposed to be foundation ^{the} Hem #8

of the future trip predictions. At this intersection the percentages should add up to 100% incl (100%).

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NORTH

REGIONAL PLANNING COMMISSION

Via Dolce is missing

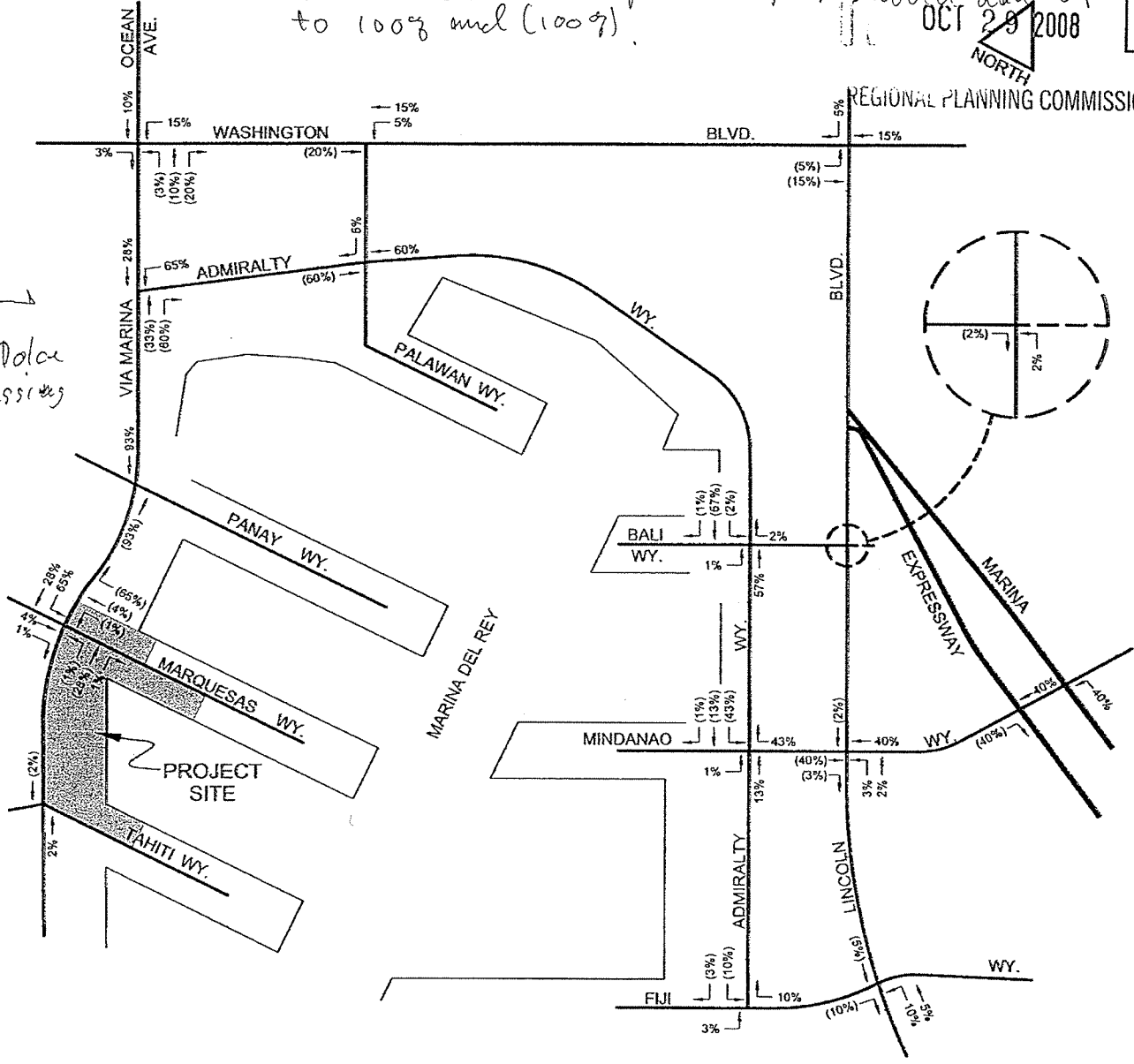


FIGURE 4(a)

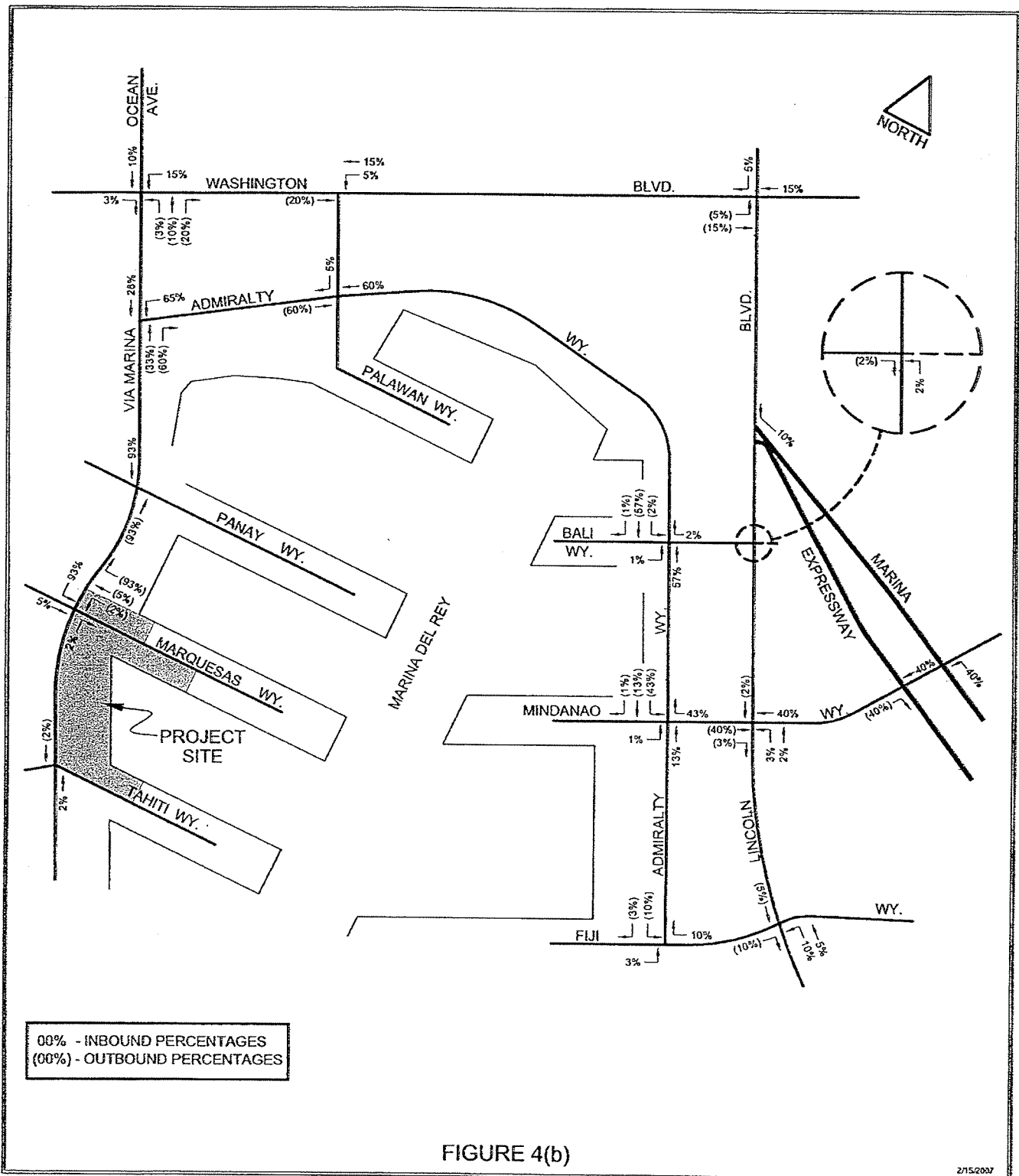
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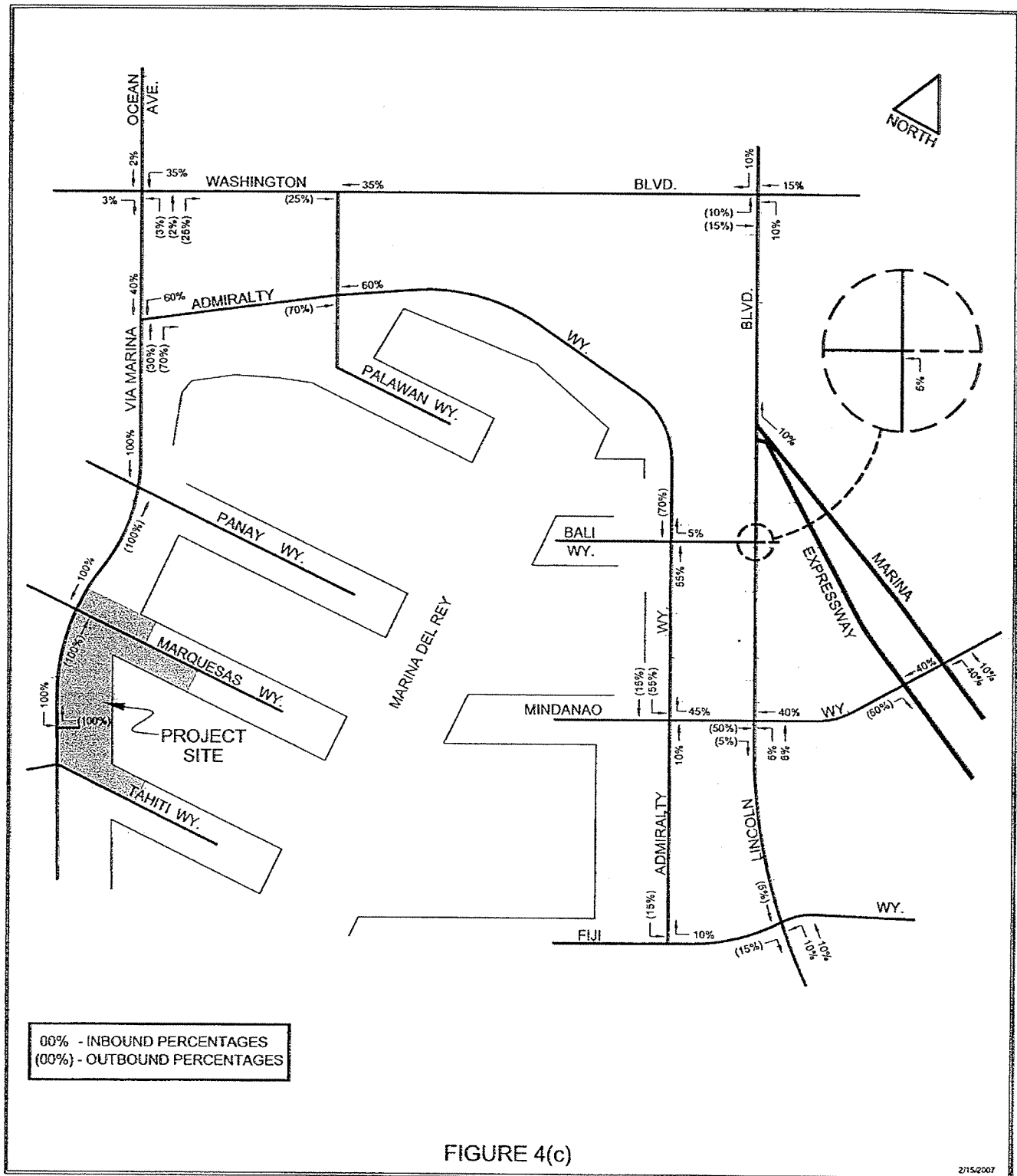
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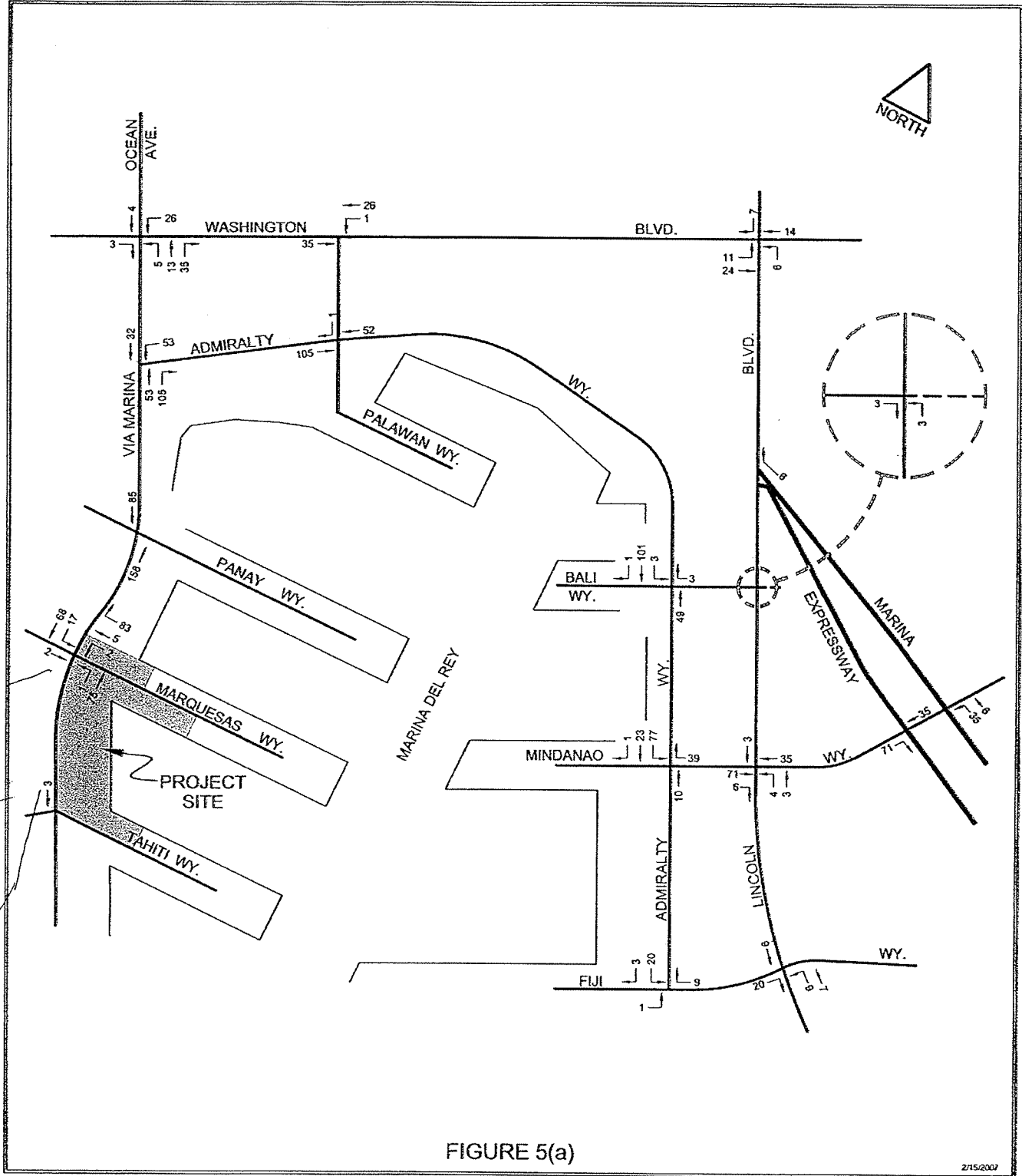


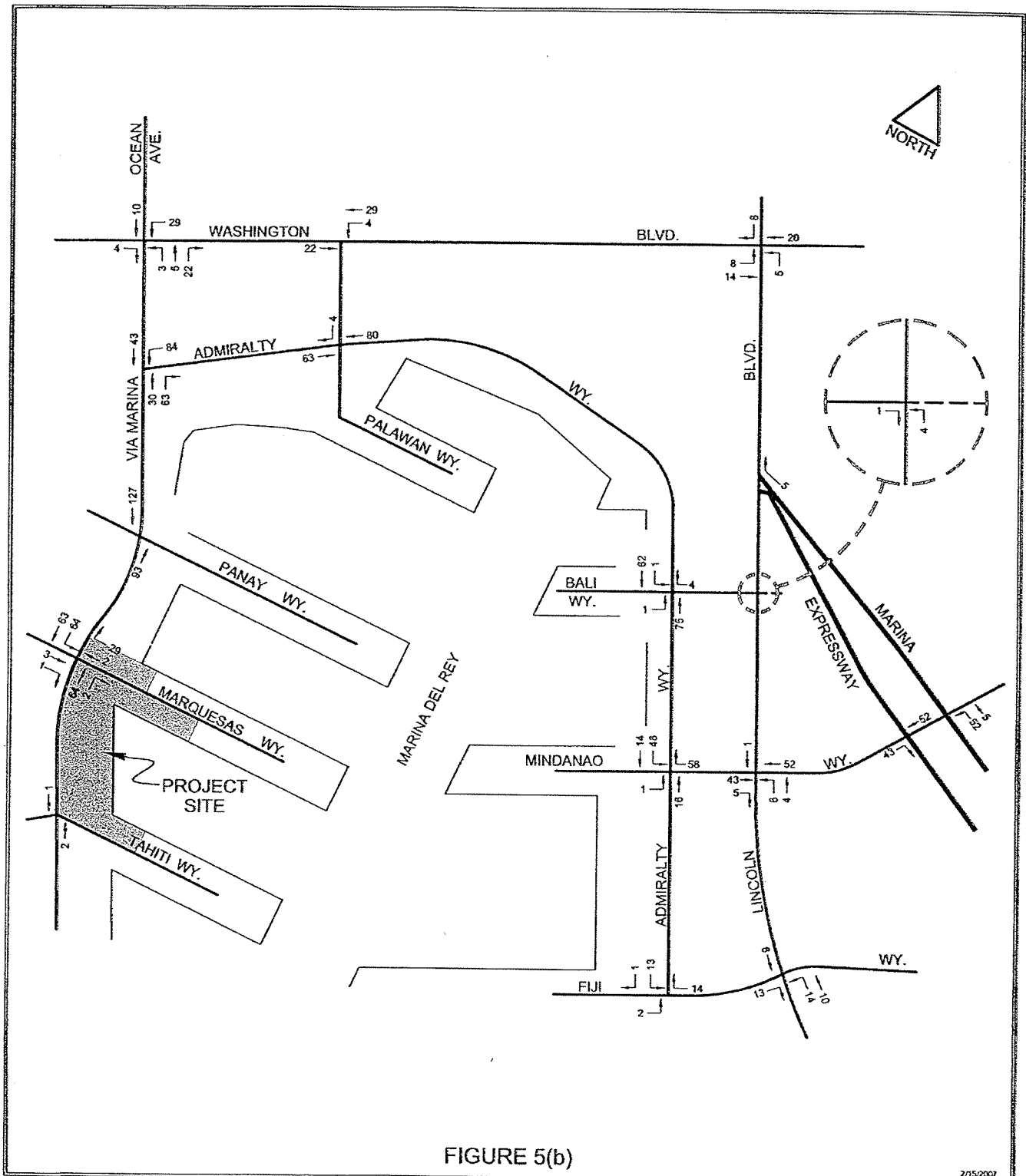
FIGURE 5(a)

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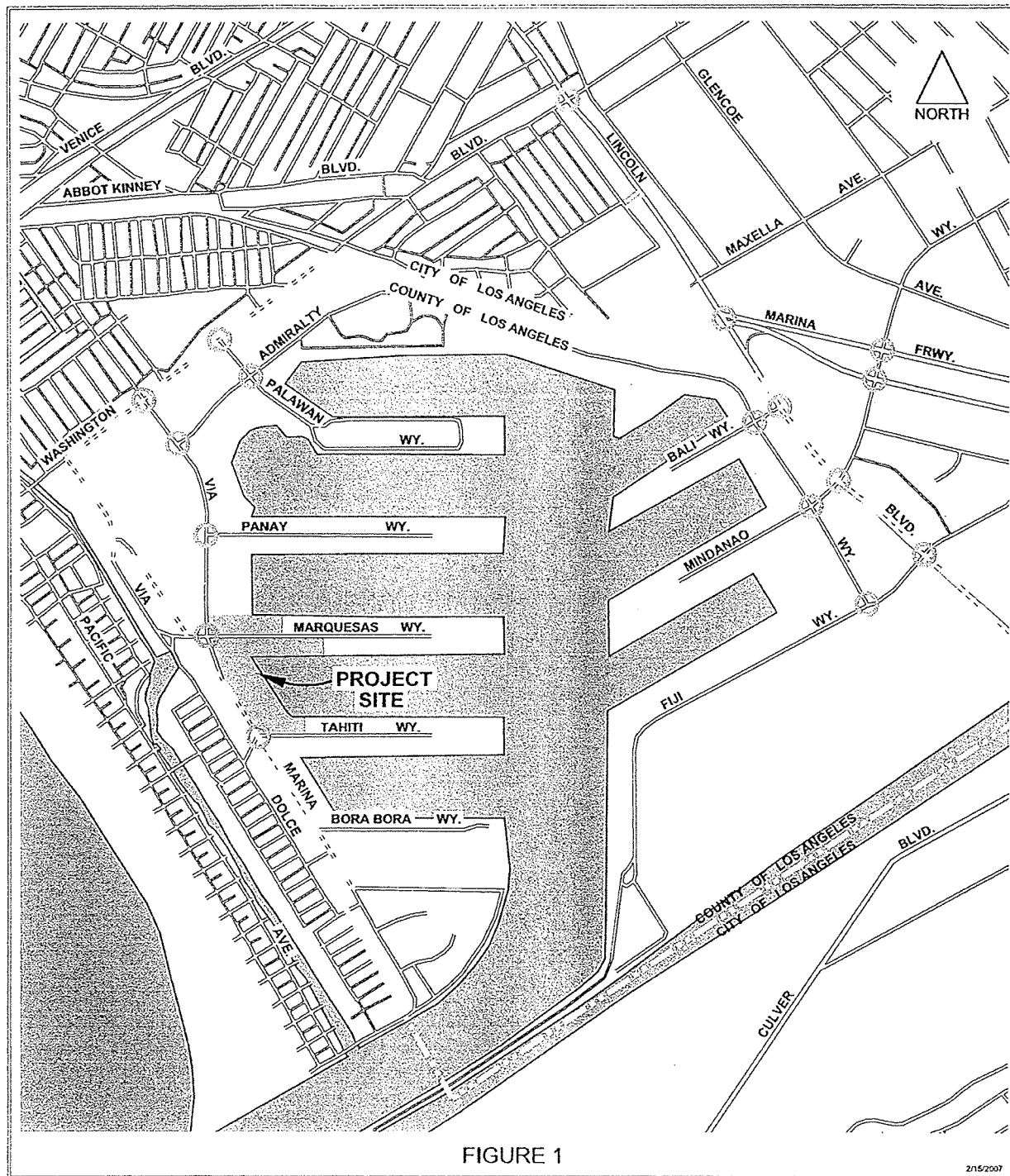


FIGURE 1

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FN: MARINA DEL REY LEGACY REPORT (2-2007) STUDY-INTS

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Item #8

Honorable Commissioners:

Agenda Item 8: Neptune Apartments and Parcel FF

I am Marjorie Aljian of Silver Strand/~~Lynne Shapiro of Via Dolce~~ *I will address Parks and Parking:*

The "underused" parking lot once designated for a park is sought by the applicant for private development of apartments. Land Use Plan A.2e Policies and Actions states, "Specific improvements proposed by this LUP Include the conversion of Parcel FF from a parking lot to a public park". The tiny wetland park adjacent to the hotel has no parking for the public. Let's talk about parking:

The Woodfin will require additional adjacent parking for guests, staff, dock staff, restaurant and bar patrons, boaters, service and delivery trucks. Neptune also lacks parking and advertises in a brochure that was mailed to some residents that an additional "public parking facility located near Burton Chase Park will serve its visitors in this high demand area." Since the park is on the other side of the Marina, I ask you, "How will visitors get to Neptune Apartments?"

- a. Will they walk around most of the Marina?
- b. Will they swim?
- c. Will they hire a boat?
- d. Will they wait for the commuter bus?
- e. Will they sleep over and return to their cars the following day?

The answer is f. Scale back this project and require adequate on site parking; in fact, require additional on site parking because **where will the public park for the wetland park? and where will the public park for the promenade that has also been promised us so that we who live here can actually see the Marina?** Both amenities have been touted as significant. Are we supposed to walk there from the Silver Strand and Mariners' Village when sidewalks are not contiguous and we have children and grandchildren in tow? There is no parking nor does their appear to be an amenity called **public toilets** along the public promenades.

The residents of Marina del Rey and the boaters want parking facilities on this side of the Marina and the park that was promised and water views.

Ham #8

Honorable Commissioners:

Agenda Item 8: Neptune Apartments and Parcel FF

I am Marjorie Aljian of Silver Strand/~~Lynne Shapiro of Via Dolce~~ *I will address*
Parks and Parking:

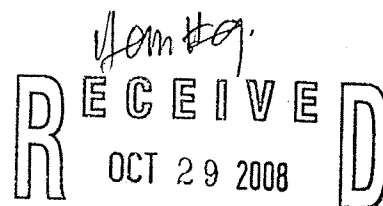
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The residents of Marina del Rey and the boaters want parking facilities on this side of the Marina and the park that was promised and water views.



SOS = Signs of Sophistry:

REGIONAL PLANNING COMMISSION

- **Sophistry:** A fallacious argument. A **strong sophistry** is a sophistry with the intent to deceive. A **weak sophistry** is an inadvertent sophistry
- **Waldo:** A word or phrase or image hinting at the truth in a text which either omits the truth or distorts the truth. It is incredibly common in quasi legal writings. The word comes from the children's puzzle 'Where's Waldo?': Meaning it is hidden in plain sight by means of complexity.
- **Queer** the meaning of a word: To surreptitiously change the meaning of a word by using it in different contexts with different words and then using it at the desired point of deception, giving a meaning taken from the wrong context. It is Used in **examples 1c and 2b** and in the Draft Recommendations of the CCC for the definition of Hotel.
- **308.5 argument:** Section 308.5 was the number in the California Civil Code given to a popular initiative. Section 308 was more limited in scope than the initiative, but arguments convinced the Legislature that since 308.5 was near 308 in the code, the limitations applied. This kind of argument made to midlevel staff is used to subvert the clear intent of the law.
- **mischievous misprints:** A misprint of the name of a parking lot GR to (GG) may have helped approve projects which significantly disturbed the cross beach views from GR as in **example 3b**. Also in **4a**.
- **Coconut Road clause:** Seemingly surreptitious insertion of misleading or false clauses into a document. Coconut Road was the beneficiary of a freeway connection earmark slipped illegally into an bill already **passed** by Congress. The Federal bill's wording was illegally changed, and hopefully the perpetrators will go to jail. Most of the time when I use **Coconut Road**, I don't know if it is in fact illegal. When I am sure, I will use the expression **Strong Coconut Road**.
- **Indefinite calculations:** Calculations involving only changes, with no Total figure given or easily accessible. Bail out if your bank only gives your deposits and withdrawals but never the balance. Analyzing only the changed amount is called **Indefinite Analysis**
- **Century City Source:** A source of information which is hard to locate and of such poor quality as to be laughable. Named after the hand written note

by a developer which was sent to the City and used to justify ridiculous Development Rights. See slide 27/53 of a slide presentation at <http://www.tract7260.org/Presentations/CityCouncilJMBPrinted.pdf>

Acronyms:

- NOP = Notice Of Preparation
- DCB = Design Control Board
- DEIR = Draft Environmental Impact Report
- FEIR = Final Environmental Impact Report
- EIR = DEIR + EIR
- DRP = Department of Regional Planning
- CEQA = California Environmental Quality Act
- DZ = Development Zone
- LCP = Local Coastal Plan
- CCC = California Coastal Commission
- RPC = Regional Planning Commission
- SCHC = Small crafts Harbor Commission
- DBH = Department of Beaches and Harbors

EXAMPLES of Marina del Rey Sophistries

1. The Shores (Parcels 100 & 101)

- a) NOP land use misleading with **mischievous misprints** and omissions
- b) DCB misinformed by its Counsel about its duties to consider scenic views
- c) DEIR claims (by **queering** word meanings) DCB approved their view impact while Minutes of DCB silent on views
- d) Adjoining land owners ignorant of Project throughout most of Bush's first term. Condos were not mentioned in NOP
- e) DEIR Shadow study incorrect. FEIR response was to broaden study. Still incorrect. More wrong pictures.
- f) Traffic study incorrect. The key Trip Generation Plan fails to include intersection opposite closest neighbor. No response in FEIR
- g) Judge Yaffe caught the Shores in a **Waldo**, which he used to argue that the 25,940 cubic yards of excavated earth which now had to be exported should be analyzed in a recirculated EIR, in order to insure the public knows the basis on which the decisions were made

- h) The directions written for the analysis of the recirculated EIR were to restrict all attention to the 25,950 (sic) cubic yards of exported earth. That is, use **Indefinite Analysis**
- i) **Total** amount of exported solid waste not mentioned in FEIR or DEIR. Imported gravel, without amount stated, is a **Waldo**
- j) Total amount of material exported or imported never mentioned in the EIR.
- k) The calculation of DZ potentials justifying increased density over the cap is a masterpiece of **Indefinite Calculations**
- l) The FEIR's **responses** to two different letters on the DEIR's incorrect estimate of the moved earth were **inconsistent**. In one, it was because of an error calculations. In the other, it was due to an importation of gravel.
- m) The Shores never asked for a permit to export over an excess of 100,000 cubic yards of solid waste. Thus we have 4 different reasons for the waste moving sophistries: First, avoid the export permit. Second, deceive the public as to construction traffic impacts. Third, deceive the DCB about the above grade garages. Fourth, **queer** the air quality calculations.

2. The Archstone (102)

- a) Initial DCB meetings had misleading project description
- b) The words 'dimensions of building' was **queered** so that building into street did not change 'the dimensions of building'
- c) Outdated maps and incorrect maps were used at the DCB
- d) Letter to DCB not delivered by staff
- e) Special meeting at unusual time eliminates impartial influential commissioner
- f) Attempted to leave DRP out of process, hence adjoining Condos never noticed because of this maneuver
- g) The small size of this project demonstrates the culture of deception practiced without fear of consequences. Too small to bribe anyone, too simple to worry about delays and timing disruptions

3. Jamaica Bay Inn (27)

- a) Violates CEQA by avoiding an EIR process using its address instead of common name. Hence eliminates public input.

- b) Significantly disturbed cross beach views from parking lot GR. A **mischievous misprint** appears at a key spot in the LCP
- c) Incorrect address used in permit application
- d) Possibly avoiding the hostel requirement of **22.46.1190 A 8a** of the LIP

4. **Parcel OT**

- a) Incorrect address told to Argonaut and in description of property
- b) To be used for trading Development Rights outside of its DZ
- c) Parking lot not replaced by a park; violating LCP, page 2 - 8 12
- d) Secret scoping meeting documented by court reporter

5. **Bar harbor & Esprit (15 & 12)**

- a) Parcel 15 completion date is past and construction has not begun, violating lease
- b) Trip generation plan is laughable
- c) Parcel 12 has been under construction for years and still no occupancy
- d) No Initial Study by County in EIR

6. **Villa Venitia (64)**

- a) Project will wipe out Blue Heron colony
- b) Project will destroy world class views of snowy San Gabriel Mountains from north and south jetties.

7. **Woodfin (9U)**

- a) Needs an LCP amendment, or else **queer** the definition of hotel (in the CCC/s Recommendations to LA County to remedy the "out of compliance with Coastal Act")
- b) The Notice of Intent to Apply for a Permit is a **Waldo** with a false address
- c) Low cost visitor serving requirement of **22.46.1190 A 8a** not followed

8. **Boat Central (52)**

- a) Builds out over water contrary to code. DCB rejects project. County continues project by taking it to RPC
- b) DCB Chair says process is broken

- c) inaccurate scale model and mislabeled view presented at DCB meeting

9. The Permit Process is corrupted

- a) Applications for many permits have false addresses, some miles from the site
- b) Violations of Brown Act by misleading notices of public meetings
- c) Public bodies are deceived by counsel as to their powers and responsibilities. The Coastal Act's rule, that ambiguities are decided against greater development, is ignored
- d) **'Coconut Road'** clauses are inserted into official documents and Findings
- e) Clear wordings of laws and guidelines are undermined by **308.5** arguments
- f) There is a high proportion of **'mischievous misprints'** at key places which introduces misinformation
- g) Incorrect or confusing maps are introduced at DCB and SCHC meetings. Conversely, Commissioners are not give maps to follow the discussions
- h) The CCC found LA County out of compliance with Coastal Act. Since then, the pace of cited activities has exploded: Small slips are being destroyed. Mountain views are being destroyed.
- i) Marina del Rey's tax assessors' maps have not been updated since 1999. The County 'lost' the property description of parcel K-6; or else we were given false information. New parcels are unilaterally created by DBH even though the whole LCP zoning system is based on the original parcels
- j) The true extent of development is obscured by **Indefinite Analysis and Calculations**. Caps on development are ignored, at the whole MdR level or at the Development Zone level
- k) Information to the public is blocked by mislabeling projects, parcels, or claimed inefficiency. Especially by DBH
- l) Special meetings of DCB held at unusual times. The Chair of the DCB said the Process was broken. Every project seems to follow a different entitlement procedure
- m) Lease options are negotiated in secret. Projects planned without public input. Applicants present initial plans without information about adjoining projects. Public gets involved when change is too late.

- n) Misinformation is conveyed to the CCC in the form of incomplete, undated tables. SCHC Commissioners are not furnished status maps to help follow the proceedings.
- o) Counsel for the DCB and BOS omit relevant sections of Code when asked for advice in public meetings.
- p) Inconsistent rules are interpreted in favor of the least restrictive rule, ie. **1190 8a** vs **1180 16b**. Consistent rules are said to be inconsistent as an excuse to diminish the role of the DCB.

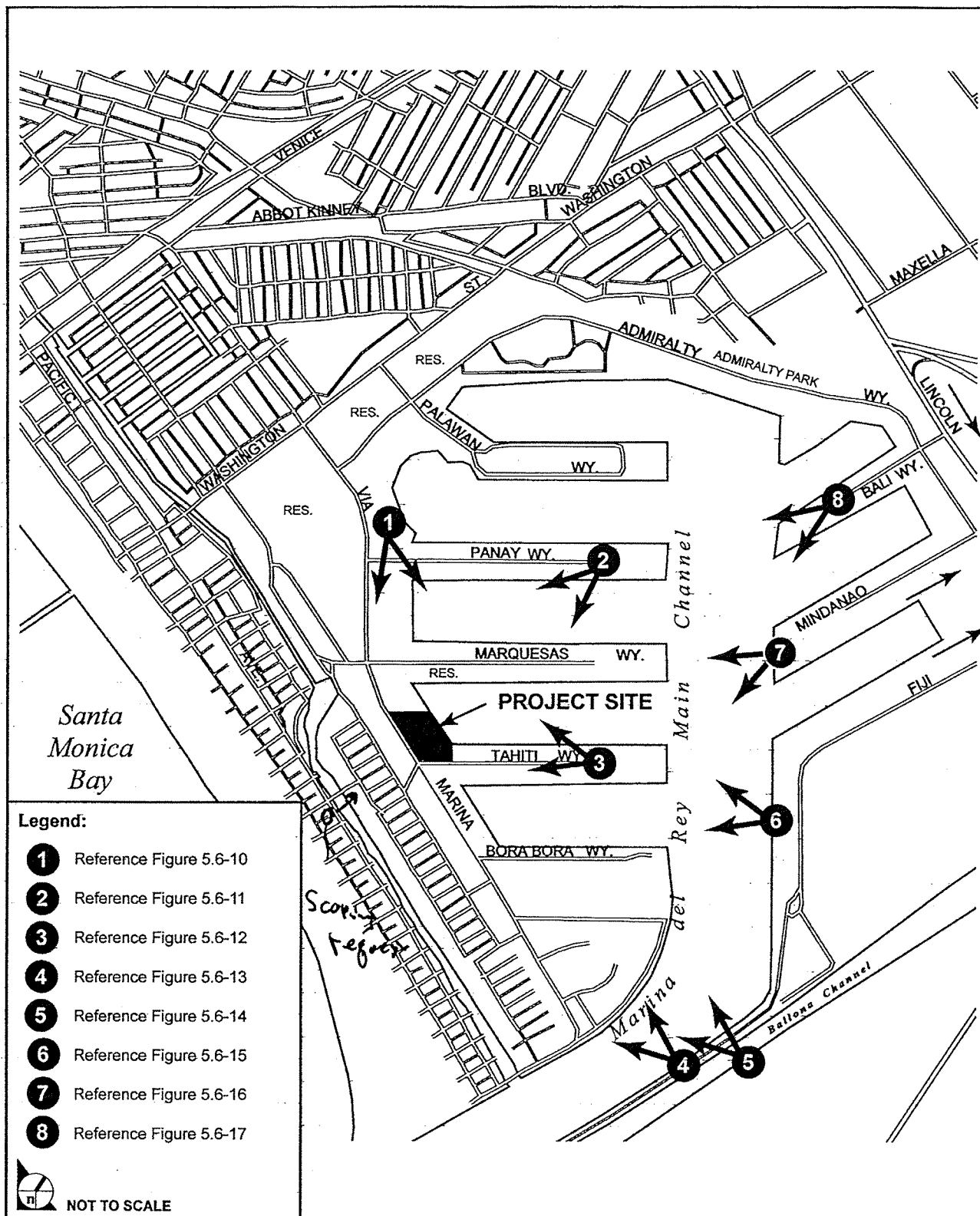
Item # 9

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NOV 29 2008

REGIONAL PLANNING COMMISSION





SOURCE: Impact Sciences, Inc. – May 2007

FIGURE 5.6-9

Woodfin Suite Hotel and Timeshare Resort (Parcel 9U) – Viewing Locations

Scoping meeting

1 DAN GOTTLEIB: My name is Dan Gottlieb, and I live
2 in the Marina Strand Colony 1. And I was concerned
3 with the -- do I need to talk into here?

4 AUDIENCE MEMBER: Yes.

5 DAN GOTTLEIB: I was concerned with the description
6 of the land use around the project. For example, the
7 Woodfin is going to be a 19-story building, and across
8 the way is condominiums, privately owned condominiums,
9 that only rise three -- three stories.

10 Now, in the land use description, there wasn't
11 a fact that having a large skyscraper would impact the
12 smaller areas. So I would like the -- I would like
13 information to go out to these people that live across
14 the street who are going to be in the shadows.

15 Another point I want to make is scenic views.
16 In the Shores EIR, the -- whoever wrote the -- staff or
17 whoever wrote had trouble defining what a scenic view
18 was, and all they ended up doing was taking pictures
19 from across the street of the proposed buildings.

20 Staff had to put a -- a little mark in their
21 independent review as to whether or not this thing
22 would impact a hiking trail. And there is a hiking
23 trail, Ballona Lagoon hiking trail, from which you
24 should be able to see a 19-story building, which will
25 eliminate the character of the sort of wild situation

1 there.

2 And also, there are certain views which are
3 supposed to be protected according to the Coastal
4 Commission. And one is from Chase Park, which is
5 directly across from this 19-story building, and
6 another one is from the -- the jetties on the channel.

7 You can look north and that -- and I'd like to
8 see some pictures taken from those positions,
9 especially lighthouse bridge where you have a
10 beautiful view in all four directions.

11 And I'd like this -- to have the tower
12 described in those pictures so that whoever makes the
13 decision can decide on whether or not the area is being
14 changed from that.

15 LLOYD ZOLA: Okay. Thanks.

16 It's interesting how this works, but if you go
17 over time, it starts saying how much over time. Again,
18 it's not a contest to see who can do that.

19 Okay. Next we have David De Lange.

20 DAVID DE LANGE: I'm David De Lange. I'm executive
21 director of Coalition to Save the Marina and also with
22 Save MDR Alliance.

23 I'm going to need two sets of time, but it is
24 first that I want to talk about the wetlands that will
25 be altered greatly. It's described in this development

1

CERTIFICATE

2

OF

3

SHORTHAND REPORTER

4

* * * * *

5

6

I, the undersigned shorthand reporter, in and

7

for the State of California, do hereby certify:

Honorable Commissioners:

I am Lynne Shapiro, resident of Marina del Rey.

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D

I have read the D.E.I.R. for the 9U parcel. With respect to NOISE its assumptions are incorrect. Years of grading, construction and trucking, then 3,104 additional vehicle trips daily including service and garbage collection and now a heliport are said to have no impact. The mitigating premise is that Marina residents are out at work all day long. This is false.

Where is the resident population study to back the assertion that this noise will have no impact? Most of the residents in the four large Via Marina condo complexes are retired senior citizens, and a significant number of renters and owners works at home. In my building 71% spends much or all of the day at in the Marina. In the buildings of 145 and 168 residents, closest to these projects, even more folks are at home during much of the day.

A heliport and its use at night for any purpose is a dreadful intrusion. We are served by ambulance now; and unless you are projecting unprecedented traffic jams, there is no reason to disturb us day or night with this horrible noise. We are not an airport; we are a quiet residential community.

In addition to all the short-term and cumulative impacts cited in this hearing notice, the nineteen story hotel is a monstrous intrusion on the residential community, the closest commercial ventures being the Charthouse restaurant and the Cheesecake Factory down on Panay way.

With the Del Rey Hotel, a hotel for Fiji Way, a large Ritz Carlton or a Marriott on Admiralty, a greatly enlarged Jamaica Bay also on nearby Admiralty, and the threat of a resident Marriott usurping Mothers' Beach from County residents, why ruin the sky, the view, the wind, the safety and tranquility of the community with a nineteen story Manhattan-like hotel? Marina hotel occupancy has never reached more than 70-75%. Neither traditional occupancy nor current economic conditions warrant this hotel. Where is the study that

shows us a sea-change from our Current Land Use Plan A2.d.'s Findings: "demand for more expensive visitor serving facilities, such as hotel rooms, has proven to be limited." Why devote more parcels to hundreds of upscale hotel rooms when the same LUP section recognizes "strong demand for new lower-cost recreational opportunities"? This project unfairly satisfied its time-share requirement in Santa Monica rather than here in the Marina.

Finally, the D.E.I.R. states that the infrastructure does not support this or these projects. We residents know that a huge, new sewer would not be necessary along Via Marina were it not for the huge Woodfin and four hundred Neptune apartments. It is unfair that a small residential neighborhood bear the burdens of these massive projects.

LOCAL

dailynews.com
Wednesday
10/29/08

RAC 10/29/08 7:00 AM
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Board urged
to let ruling
on judges stand

COUNTY: Appellate court said perks, extra benefits violated state's constitution.

By Troy Anderson

A taxpayer advocate attorney and a half-dozen other people asked the Board of Supervisors on Tuesday

not to appeal a recent appellate court decision ruling that the county

was in practice of paying judges perks and supplemental benefits.

The decision was unconstitutional, the requesters argued.

The requesters followed a recent decision by a three-judge panel

in the state's 4th District Court of Appeal.

Appeal said that the state constitution found the state constitution

only allows the Legislature to set judges' pay. The Board of Supervisors practice of paying

judges an extra \$46,436 annually in cash benefits, therefore,

is not permissible. The case was filed by Judicial Watch, a

conservative watchdog group based in Washington, D.C.

County Counsel Ray Horner could not be reached to comment on whether the county

planned to appeal the decision. Taxpayer advocate attorney

Richard J. Fine said the county has paid the judges about \$400 million since 1988 and no further taxpayer funds should be wasted to defend the practice.

And when you look at the last three litigation reports that you received from the County Counsel's Office, you will see that not one case was decided in favor of a plaintiff against the

county when the judge made the decision," Fine said.

The effect is this \$46,000 a year has

had an effect on the judges.

John Rizzo, president of the Marina Tenants Association, said his organization

sued the county, alleging that it was losing tens of millions of dollars in case

revenues and the public was paying overcharges to the fees in Marina del Rey.

"The Superior Court would not let us go to trial on the merits of the case," Rizzo said.

When is (\$46,436) a perk and when is it a bribe? Don't appeal the appellate court's decision to the (California) Supreme Court, let's clean up the courts and the marina.

Troy Anderson dailynews.com 213-974-8985

Richard J. Fine said no calculation

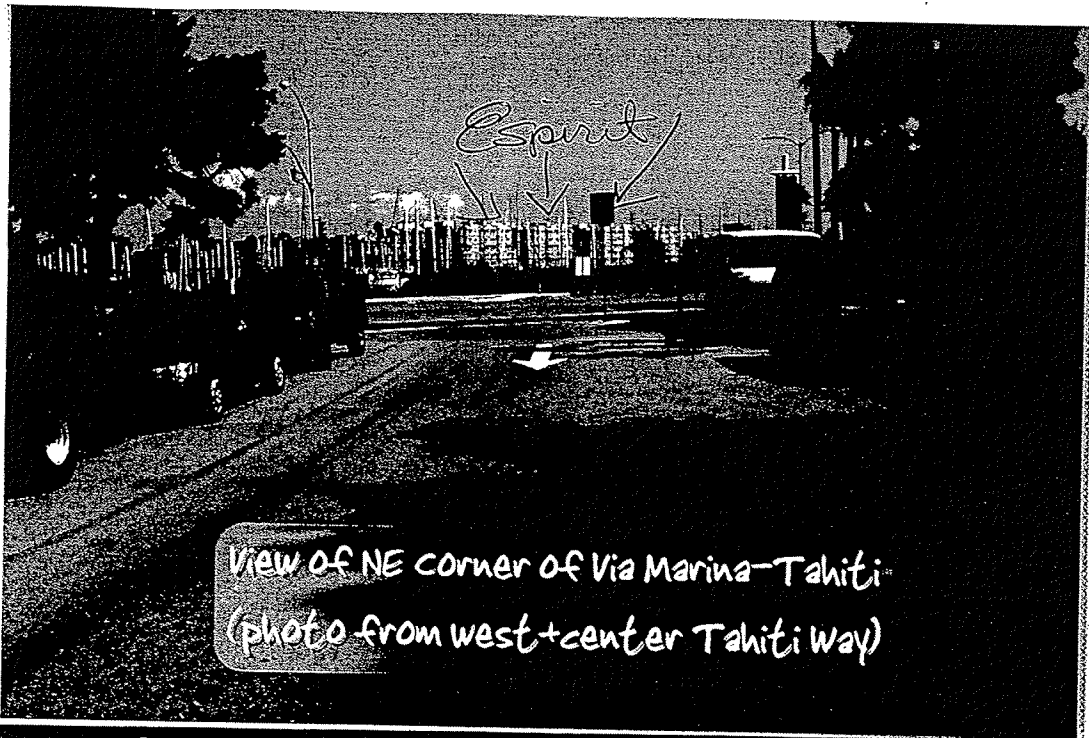
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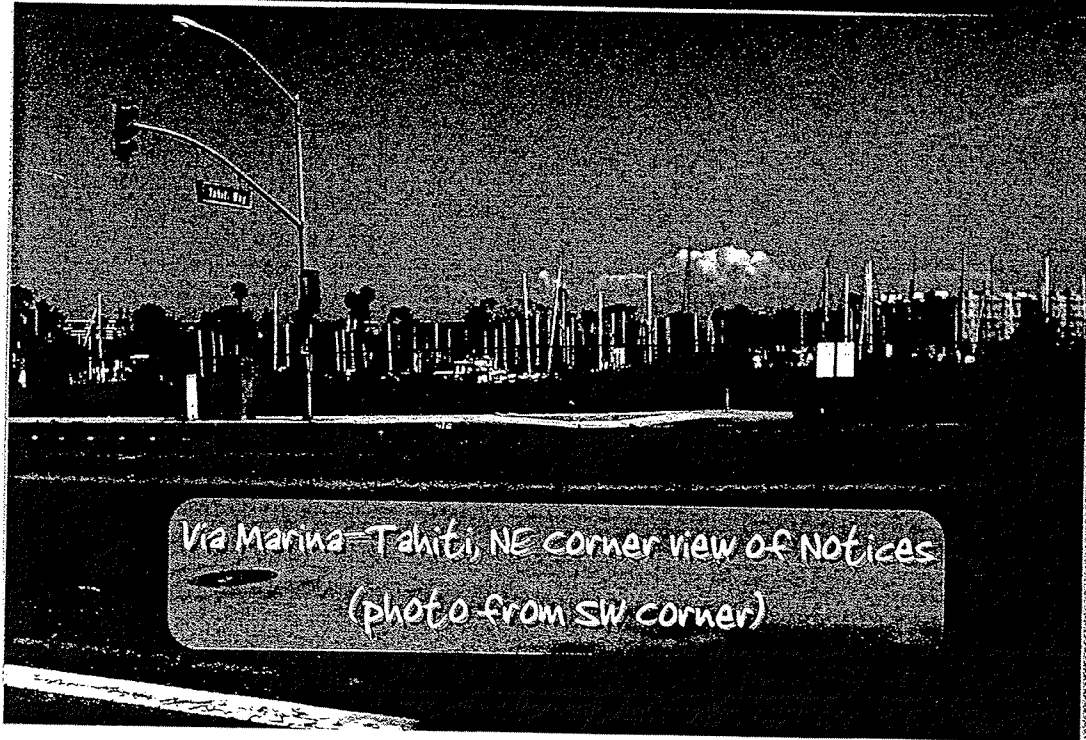
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STAFF

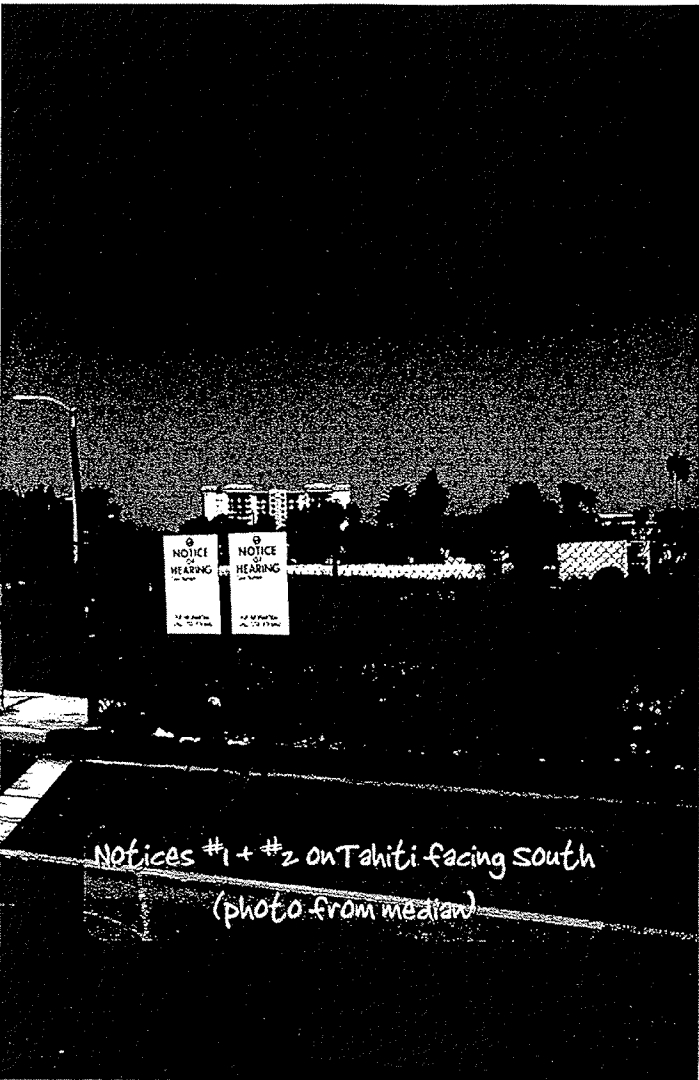
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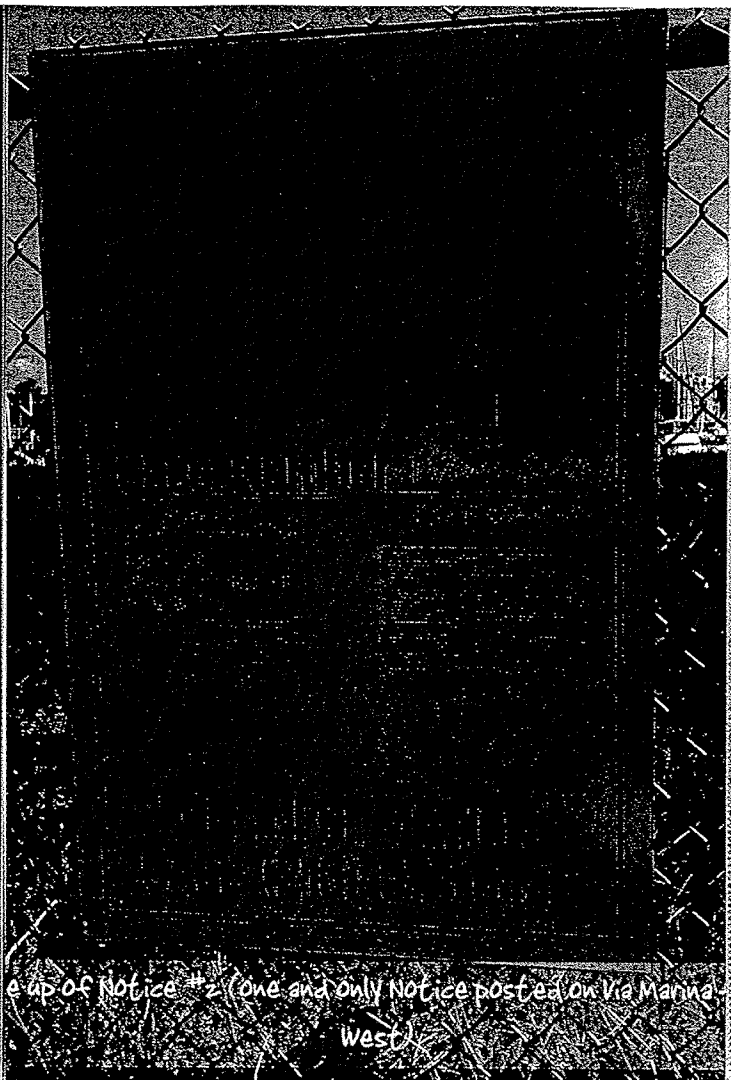
View of NE corner of Via Marina-Tahiti
(photo from west+center Tahiti Way)



Via Marina-Tahiti, NE corner view of Notices
(photo from SW corner)



Notices #1 + #2 on Tahiti facing South
(photo from median)



Close up of Notice #2 (one and only Notice posted on Via Manna West)